THE PRECEDENTS AND SUPPLEMENT TO THE LAW of a JUSTICE of PEACE AND PARISH OFFICER; &c.

By JOHN Lord Viscount DUDLEY and WARD, and T. CUNNINGHAM, Esq.

Under the Title APPEAL, in the PRECEDENTS, are the Proceedings in ſeveral Appeals of Murder, in the Reign of Queen ELIZABETH and King JAMES I, now *firſt* tranſlated from the Latin Entries of Sir EDWARD COKE.

The Supplement contains many late Acts to the End of laſt Seſſion; and under the Title BRICKS AND TILES are inſerted at Large the Acts of 12 *Geo.* 1, c. 35; 2 *Geo.* 2, c. 15, and 3 *Geo.* 2, c. 22, concerning the making of Bricks and Tiles, as well throughout the Kingdom in general, as more particularly within fifteen Miles of the City of *London:* All which Acts expired in the Year 1733, but were revived, continued, and amended, by an Act of the laſt Seſſion.

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Rec. Apr. 1, 1899

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SUPPLEMENT.

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TO THE

Law of a Juſtice of Peace, &c.

Alehouſes.

STAT. 9 *Geo.* 3, *c.* 11. [*A. D.* 1768, *intituled*] "An act for repealing ſo much of an act made in the ſeventh and eighth years of the reign of king *William* the third, intituled, *An act to encourage the bringing plate into the mint to be coined, and for the further remedying the ill ſtate of the coin of the kingdom*, as reſtrains any perſon keeping an inn, tavern, ale-houſe, or victualling-houſe, or ſelling wine, ale, beer, or any other liquors, by retail, from publickly uſing any wrought or manufactured plate, or any utenſil or veſſel thereof, except ſpoons; and for putting an end to proſecutions commenced for offences againſt ſuch part of the ſaid act.

Preamble, reciting clauſe in act 7 & 8 Will. 3.

"Whereas, by an act made in the ſeventh and eighth years of the reign of his late majeſty king *William* the third, intituled, *An act to encourage the bringing plate into the mint to be coined, and for the further remedying the ill ſtate of the coin of the kingdom*, it was enacted, That from and after the fourth day of *May*, which ſhould be in the year of our Lord one thouſand ſix hundred and ninety-ſix, no perſon keeping any inn, tavern, ale-houſe, or victualling-houſe, or ſelling wine, ale, beer, or any other liquors, by retail, ſhould publickly uſe, or expoſe to be uſed, in ſuch his or her houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof (except ſpoons) under the penalty of forfeiting the ſame, or the full value thereof, together with full coſts of ſuit, to him, her, or them, who ſhall ſue for the ſame: and whereas the ſaid reſtriction hath been found very inconvenient, and is productive of many

 frivolous

frivolous and vexatious ſuits, and is alſo detrimental to the revenue: may it therefore pleaſe your majeſty, that it may be enacted; and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the paſſing of this act, and ſo much of the ſaid act as reſtrains any perſon keeping any inn, tavern, alehouſe, or victualling-houſe, or ſelling wine, ale, beer, or any other liquors, by retail, from publickly uſing, or expoſing to be uſed, in ſuch his or her houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof, ſhall be and is hereby repealed and made void to all intents and purpoſes whatſoever.

Repeal of ſo much of the recited act, as reſtrains innkeepers and others from publickly uſingwrought or manufactured plate.

Sect. 2. "And be it further enacted by the authority aforeſaid, That all and every perſon and perſons whatſoever, againſt whom any action of debt, bill, plaint, or information, hath been brought in any of his majeſty's courts of record at *Weſtminſter*, for any penalty incurred by reaſon of the ſaid act of king *William* the third, for having publickly uſed, or expoſed to be uſed in his, her, or their houſe, any wrought or manufactured plate, whatſoever, or any utenſil or veſſel thereof, ſhall be, and is and are hereby indemnified, freed, and diſcharged, from and againſt all penalties and forfeitures incurred for or by reaſon of having publickly uſed, or expoſed to be uſed, in his, her, or their houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof; any thing in the ſaid act of king *William* the third contained to the contrary thereof in any wiſe notwithſtanding.

Indemnification of perſons ſued for penalties incurred by reaſon of the ſaid act,

Sect. 3. "Provided always, That all coſts incurred in proſecuting and carrying on any ſuch action of debt, bill, plaint, or information, ſhall be borne and diſcharged by the perſon or perſons againſt whom any ſuch action of debt, bill, plaint, or information, hath been brought.

they paying ſuch coſts of ſuit as have been incurred;

Sect. 4. "Provided alſo, That this act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to indemnify any perſon againſt whom final judgment ſhall have been given in any action of debt, bill, plaint, or information, in any of his majeſty's courts of record, for any penalty or forfeiture incurred by reaſon of the ſaid act of king *William* the third, for having publickly uſed, or expoſed to be uſed, in his, her, or their houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof.

except in caſes where final judgement ſhall have been already obtained for the penalty.

Sect. 5. "And be it further enacted by the authority aforeſaid, That in caſe any action, ſuit, bill, plaint, or information, ſhall, from and after the paſſing of this act, be brought, carried on, or proſecuted, againſt any perſon or perſons hereby meant or intended to be indemnified, freed, and diſcharged, from and againſt all penalties and forfeitures incurred by reaſon of the ſaid act of king *William* the third, for or on an account of having publickly uſed, or expoſed to be uſed, in his, her, or their houſe, any wrought or manufactured plate whatſoever, or any utenſil or veſſel thereof, ſuch perſon or perſons may plead the general iſſue; and, upon their defence, give this act and the ſpecial matter in evidence at any trial to be had thereupon.

Perſons ſued may plead the general iſſue.

Attorney.

STAT. 10 *Geo.* 3, *c.* 42. [*made, among other purpoſes,* " for indemnifying perſons who have omitted to make and file affidavits of the execution of indentures of clerks to attornies and ſolicitors,"]

" Recites that many perſons have omitted to cauſe affidavits to be made, and filed in the proper office, of the actual execution of ſeveral contracts entered into by them to ſerve as clerks to attornies or ſolicitors within the time in which the ſame ought to have been done; and many infants and others may thereby incur certain diſabilities: For preventing thereof, and relieving ſuch perſons, it is enacted, that every perſon who, at the time of paſſing this act, ſhall have neglected to cauſe any ſuch affidavit to be made and filed, and who, on or before *December* 25, 1770, ſhall cauſe affidavits to be made, and afterwards filed in ſuch manner as the ſame ought to have been made and filed in due time, ſhall be indemnified and diſcharged from all penalties, forfeitures, and diſabilities, in or by any acts incurred, or to be incurred, for or by reaſon of ſuch neglect; and every ſuch affidavit ſo to be made, which ſhall be duly filed on or before *December* 25, 1770, ſhall be as effectual, to all intents, as if the ſame had been made and filed within the reſpective times the ſame ought, by the laws now in being for that purpoſe, to have been made and filed.

Bricks and Tiles.

BY the ſtat. 12 *Geo.* 1, *c.* 35, and 2 *Geo.* 2, *c.* 15, and 3 *Geo.* 2, *c.* 22, there were divers regulations concerning the true making of bricks and tiles, as well throughout the kingdom in general, as more particularly within fifteen miles of the city of *London:* all which acts expired in the year 1733. Theſe acts, by the 9 *Geo.* 3, *c.* 37, are revived and enacted to be enforced from *December* 25, 1769, to the end of the then next ſeſſions of parliament; and by an act of the laſt ſeſſions, all the ſaid acts are referred to and further continued until the twenty-ninth of *September*, 1773. It is therefore now neceſſary to inſert at large the ſaid acts of 12 *Geo.* 1, *c.* 35, 2 *Geo.* 2, *c.* 15, and 3 *Geo.* 2, *c.* 22, as well as the ſaid act of laſt ſeſſion.

Stat. 17 *Edw.* 4, *c.* 4. [*A. D.* 1477, *intituled*] *The preparation of earth for making of tile.*

By 12 *Geo.* 1, c. 35, new rules are eſtabliſhed concerning the making of bricks. See alſo 2 *Geo.* 2, c. 15, & 3 *Geo.* 2, c 22.

" Item, Whereas in divers parts of this realm great damage hath been, and daily is, and by likelihood in time to come will much increaſe, for default of true, ſeaſonable, and ſufficient making, whiting, and anealing of tile, called plain tile, otherwiſe called thak-tile, roof-tile, or creſ-tile, corner-tile, and gutter-tile, made and to be made within this realm: (2) our lord the king (the premiſſes conſidered) for the general profit of this realm, by the advice of the lords ſpiritual and temporal, and at the requeſt of the commons in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained and eſtabliſhed, that all and every perſon or perſons, which hereafter ſhall uſe the occupation of making of any ſuch tile as before is ſaid, ſhall make it good, ſeaſonable, able, and ſufficient, and well whited and anealed. (3) And that the earth whereof any ſuch tile ſhall be made, ſhall be digged and caſt up before the firſt day of *November* next before that they ſhall be made, and that the ſame earth be ſtirred and turned before the firſt day of *February* then next following the ſame digging and caſting up, and not wrought before the firſt day of *March* next following; and that the ſame earth before it be put to making of tile, be truly wrought and tried from ſtones; (4) and alſo the veins called malin or marle, and chalk, lying commonly in the ground near to the land convenient to make tile, after the digging of the ſaid earth whereof any ſuch tile ſhall be made, ſhall be well, lawfully, and truly ſevered and caſt from the earth whereof any ſuch tile ſhall be made. (5) And that every ſuch plain tile ſo to be made, ſhall contain in length ten inches and an half, and in breadth ſix inches and a quarter of an inch, and in thickneſs half an inch and half a quarter at the leaſt. (6) And that every ſuch roof-tile or creſ-tile ſo to be made, ſhall contain in length thirteen inches, and the thickneſs of half an inch and half a quarter at the leaſt, with convenient deepneſs according. (7) And that every gutter-tile and cover-tile to be made, ſhall contain in length ten inches and an half, with convenient thickneſs, breadth, and deepneſs according. (8) And if any perſon or perſons ſet to ſale to any perſon or perſons any ſuch tile above ſpecified, made, or to be made contrary to the ſaid ordinance, then the ſeller thereof ſhall forfeit to the buyer of the ſame the double value of the ſame tile, and beſides that, ſhall make fine and ranſom to the king at his will. (9) And that every perſon that feeleth himſelf grieved, and will ſue in this behalf, ſhall have an action of debt againſt the offenders, wherein ſhall be made and had like proceſs, recovery, and execution, as is or may be at this day in any other actions of debt purſued at the common law. (10) And that the plaintiff in every ſuch action (if it be found with him) may recover againſt the defendant in the ſame action his reaſonable coſts and expences of his ſuit. (11) And that the defendant in any ſuch action ſhall not be admitted to wage his law, (12) or to have eſſoin or protection allowed, nor any advantage by fourching of eſſoin or diſtreſs. (13) And

The preparation of earth for the making of tiles, and the ſeveral lengths, breadths, and thickneſs of them.

The forfeiture of the offender that ſelleth defective tiles.

(13) And alſo that the juſtices of peace for the time being, within any county of this realm, and every of them, ſhall have power to inquire, hear, and determine by their diſcretions, as well by examinations or otherwiſe, the defaults, offences, and treſpaſſes which ſhall happen to be committed contrary to this ordinance, as well at the king's ſuit, as at the party's which ſhall feel himſelf grieved in that behalf. (14) And if it be found, or may appear to the juſtices of peace, or any of them, by examination, or otherwiſe, by their diſcretion, that any perſon or perſons hath offended contrary to this ordinance, that then the ſame juſtices, before whom it ſhall be found or appear, ſhall aſſeſs upon the offender in this behalf no leſs fine than for every M. of plain tile ſet to ſale contrary to this ordinance, 5s. and for every C. roof-tile, 6s. 8d. and for every C. corner-tile or gutter-tile, 11s. ſold contrary to this ordinance; and that leſs fine be made after the rate of the ſame by the diſcretion of the ſaid juſtices, or any of them. (15) And that the ſame juſtices ſhall have full power to call before them, or any of them, at any time and place requiſite, ſuch and ſo many perſons as by their diſcretion have or ſhall have beſt experience or knowledge in the occupation of making of tile, to ſearch and examine the digging, caſting, turning, parting, making, whiting, and anealing aforeſaid; (16) and that the ſame perſon or perſons, which ſo ſhall be aſſigned ſearchers, ſhall have full power to make ſearch; (17) and that no perſon put no ſuch tile to ſale before that it be ſearched by the ſaid ſearchers, upon pain of forfeiture of the ſame tile. (18) And if the ſame ſearchers, or any of them, do find that any perſon or perſons, exerciſing the occupation of tile-making, doth offend contrary to this ordinance, that then the ſame ſearchers ſhall preſent ſuch defaults before the juſtices of peace at their next ſeſſions; (19) and that every ſuch preſentment be as ſtrong and effectual in the law, as the preſentment of twelve men. (20) And that ſuch ſearchers ſo to be ordained, aſſigned, and deputed, ſhall have of every ſuch tile-maker, for his labour of the ſaid ſearch, for every M. plain-tile ſearched, 1d. for every C. roof-tile, ob. and for every C. corner-tile and gutter-tile, a q. (21) And that the ſame ſearchers ſhall do and execute their effectual induſtry and diligence in this behalf according to this ordinance, upon pain of forfeiture to our lord the king, for every default in this behalf, 10s. (22) And that the juſtices of peace ſhall have power to examine, inquire, and determine the faults of ſuch ſearchers in the premiſſes, in like form as above is ordained for the defauls of tile-makers. This ordinance to begin to take effect at the feaſt of St. *Michael* next coming, and not before.

Juſtices of the peace may inquire of, hear, and determine theſe offences, and appoint ſearchers.

Theſearchers' authority, and fee for their pains.

Juſtices of the peace ſhall inquire of the defaults of ſearchers.

Stat. 12 *Geo.* 1, *c.* 35. [*A. D.* 1725, *intituled*] "An act to prevent abuſes in making of bricks and tiles, and to aſcertain the dimenſions thereof, and to prevent all unlawful combinations amongſt any brickmakers or tilemakers, within fifteen miles of the city of *London*, in order to advance or enhance the price of bricks or tiles."

Sect. 1. "Whereas by an act of parliament made in the ſeventeenth year of the reign of his late majeſty king *Edward* the fourth, [intituled, *The*

17 Edw. 4, c. 4. *preparation of earth for making of tile,*] divers good proviſions and directions were made for the good and ſufficient making of plain tiles, roof-tiles, and gutter-tiles: And whereas her late majeſty queen *Elizabeth*, by her letters patent, or charter under the great ſeal of *England*, bearing date the third day of *Auguſt*, which was in the tenth year of her reign, did for herſelf and her ſucceſſors, grant unto the perſons therein named, and all other freemen of the myſtery or art of tilers and bricklayers of *London*, and the ſuburbs thereof, to be one body corporate, by the name of the maſter, and keepers, or wardens of the ſociety of freemen of the myſtery and art of tilers and bricklayers, and by that name to have perpetual ſucceſſion; and amongſt other matters and things in the ſaid charter mentioned, gave to the ſaid company the ſearch, correction and government of perſons uſing the ſaid myſtery or art, and of all other things and matters whatſoever, to the ſaid myſtery or art any ways belonging, or appertaining, as well within the ſaid city of *London*, and liberties and ſuburbs thereof, as within any place or places within fifteen miles of the ſaid city: And whereas ſeveral orders and ordinances have been made by the ſaid maſter and wardens of the ſaid ſociety, for ſearching, viewing, and making good bricks and tiles, which have been confirmed, purſuant to an act made in the nineteenth year of his late majeſty king *Henry* the ſeventh,

19 Hen. 7, c. 7. [intituled, *For making ſtatutes by bodies incorporate,*] And whereas, notwithſtanding the before-mentioned act of parliament, orders and ordinances, ſeveral perſons, eſpecially within the compaſs of fifteen miles of the city of *London*, dig the clay or earth for making of bricks, at unſeaſonable times in the year, and continue to make bricks of bad ſtuff and unſizable dimenſions, and do not well burn the ſame; and in making thereof mix great quantities of ſoil called *Spaniſh*, and in burning thereof uſe ſmall aſhes and cinders commonly called breeze, inſtead of coals, and burn the bricks commonly called grey-ſtock bricks in clamps, and the bricks commonly called place-bricks in the ſame clamps, on the outſide of the ſaid grey-ſtock bricks, by means whereof great part of the bricks now uſually made are ſo hollow and unſound, that they will ſcarce bear their own weight: And whereas there is at preſent no proviſion made by any law for the dimenſions of bricks to be made and uſed in buildings, or for the lengths, breadths, or thickneſſes of pantiles, which are but a late invention in *England*, May it pleaſe your moſt excellent majeſty, that for the common good and benefit of your majeſty's ſubjects, and the duration of buildings, and the better aſcertaining the times of digging the earth, and the manner of making and burning bricks and pantiles hereafter to be made for ſale, and the lengths, breadths, and thickneſſes of ſuch bricks and pantiles, That it may be enacted, and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by and with the authority of the ſame, That from and after the twenty-ninth day of *September*, one thouſand ſeven hundred and twenty-ſix, all earth or clay, which ſhall be dug or deſigned for making any bricks for ſale in any place or places within the kingdom of *England*,

Rules for making of bricks and tiles for ſale

ſhall

ſhall be dug and turned at leaſt once, between the firſt day of *November* and the firſt day of *February* in every year, and no part of ſuch earth or clay ſhall be made into bricks till after the firſt day of *March* then next enſuing, and no bricks whatſoever ſhall be made for ſale by any perſon or perſons, at any time but between the firſt day of *March* in any year, and the twenty-ninth day of *September* then next enſuing; and no *Spaniſh* at any time or times, after the ſaid twenty-ninth day of *September*, ſhall be by any perſon or perſons whatſoever mixed with any brick, earth, or clay, for making of bricks for ſale, nor any breeze be uſed in the burning of any bricks for ſale; and all bricks, which at any time or times from and after the ſaid twenty-ninth day of *September*, ſhall by any perſon or perſons be made and burnt for ſale, ſhall be burnt either in kilns, or in diſtinct clamps by themſelves; that is to ſay, the place-bricks in kilns or in clamps by themſelves, and the ſtock-bricks in kilns or in clamps by themſelves; and all bricks called place-bricks, which ſhall at any time or times after the ſaid twenty-ninth day of *September* be made or burnt for ſale, ſhall, when burnt, be not leſs than nine inches long, and not leſs than two inches and an half thick, and not leſs than four inches and a quarter wide; and all ſtock-bricks, which ſhall be made for ſale, ſhall, when burnt, be of the ſame dimenſions, as to the lengths and breadths thereof, as the place-bricks, and one eighth part of an inch thicker; and all pantiles, which from and after the ſaid twenty-ninth day of *September* ſhall be made for ſale in any part of *England*, ſhall, when burnt, be not leſs than thirteen inches and an half long, and not leſs than nine inches and an half wide, and not leſs than half an inch thick.

in London, and 15 miles diſtance.

Brick, earth or breeze may be made uſe of. 3 Geo. 2, c. 22, ſ. 2, 3.

Place-bricks and ſtock-bricks may be burnt in one and the ſame clamp, &c. 3 Geo. 2, c. 22, ſ. 4.

Bricks to be eight inches and three quarters long, &c. 3 Geo. 2, c. 22, ſ. 1.

Sect. 2. " And be it further enacted by the authority aforeſaid, That all and every perſon and perſons, who at any time or times from and after the ſaid twenty-ninth day of *September*, ſhall make any bricks for ſale, but between the ſaid firſt day of *March* in any year, and the twenty-ninth day of *September* then next enſuing, or ſhall make any bricks of any earth which ſhall not be dug and turned within the time herein before ſet forth for that purpoſe, or who ſhall burn any bricks otherwiſe than in kilns or in clamps diſtinct and apart by themſelves, or whoſe bricks or pantiles, when burnt, ſhall be of leſs dimenſions in length, breadth, or thickneſs, than the ſame are herein before preſcribed to be, ſhall forfeit and pay the ſum of twenty ſhillings for every thouſand of bricks, and the ſum of ten ſhillings for every thouſand of pantiles, and ſo proportionably for a greater or leſſer quantity of bricks and pantiles, as ſhall be ſo made for ſale contrary to the true intent and meaning of this act.

Penalty on offenders.

Sect. 3. " And whereas great numbers of buildings and houſes are daily erecting, building, and rebuilt within the city of *London*, and the ſuburbs thereof, and within the compaſs or diſtance of fifteen miles from the ſame, being the limits in the ſaid recited charter mentioned, and the ſaid corporation of tilers and bricklayers of the city of *London* have uſually for many years paſt inſpected the making of bricks and pantiles, and the materials whereof they are made, within the ſaid compaſs of fifteen miles from the ſaid city of *London*, and are proper perſons to be continued ſo to do; therefore

fore, the better to inforce the due execution of this act, and to find out and diſcover ſuch delinquents and offenders as ſhall make bricks or pantiles for ſale, contrary to the true intent and meaning of this act, within the limits of fifteen miles from the ſaid city of *London*: Be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſaid maſter and wardens of the ſaid company, or any two of them, or any four or more honeſt men of the ſaid art and ſociety, by the ſaid maſter and wardens of the ſaid company for the time being to be appointed, twice in every year, or oftener if they ſhall think fit, to enter and go into and upon any lands, grounds, out-houſes, ſheds, warehouſes, and all and every place and places where any earth or clay ſhall be digged, for making bricks or pantiles, or where any bricks or pantiles ſhall be made, or expoſed to or for ſale, within the compaſs of fifteen miles of the ſaid city of *London*; and to ſearch, view, and underſtand, by their knowledge and diſcretions, whether the earth or clay be good, and lawful, and well ſeaſoned and tempered ſtuff to make brick or pantile of, or not; and whether the bricks and pantiles therewith made for ſale be well burnt, and of the ſeveral lengths, breadths, and thickneſſes herein before by this act preſcribed; and if at any time or times hereafter it ſhall appear to the maſter and wardens of the ſaid company, or any of their courts hereafter to be holden, upon the view or report of the ſaid maſter and wardens, or any two of them, or any four or more honeſt men of the ſame art, by the ſaid maſter and wardens for the time being to be annually nominated, that any perſon or perſons within the limits aforeſaid have been guilty of making any number or quantity of bricks or pantiles, contrary to the directions of this act, ſuch perſon or perſons againſt whom ſuch report ſhall be made, ſhall be forthwith ſummoned to appear before the ſaid maſter and wardens at their firſt and next court to be held after ſuch complaint, ſo as there be fourteen days between ſuch ſummons and the court next to be held; and ſhew cauſe, if he or they can, why a ſum or penalty not exceeding the ſeveral ſums and penalties herein after mentioned, ſhall not be levied on him or them, for his or their offence or offences, in making ſuch bricks or tiles, contrary to the true intent and meaning of this act; and if the perſon or perſons ſo ſummoned ſhall either neglect to attend at ſuch next court, or, upon his or their attendance or attendances, ſhall not ſhew good cauſe to the contrary, then, and in either of the ſaid caſes, the ſaid maſter and wardens ſhall and may, at ſuch next court, amerce and fine every ſuch perſon or perſons ſo offending, as aforeſaid, the ſum of twenty ſhillings for every thouſand of bricks, and alſo the ſum of ten ſhillings for every thouſand of pantiles which ſhall have been made by ſuch perſon or perſons, with bad earth or clay, or unlawful ſtuff, or of leſs dimenſions than in and by this act is and are appointed: And in caſe ſuch perſon or perſons ſhall refuſe or deny to pay the ſaid amercements or fines, which ſhall by the ſaid maſter and wardens be ſo amerced or ſet, the ſame ſhall and may, from time to time, be recovered by action of debt in the name of the maſter and wardens of the ſaid fellowſhip, or be levied by warrant under the company's ſeal, by the clerk of the ſaid company, by diſtreſs and ſale of the goods and chattels of ſuch

Maſter and wardens of the tilers and bricklayers company may ſearch.

Searchers are to be appointed by the Juſtices, &c.

2 Geo. 2, c. 15, ſ. 1.

Maſter and wardens may ſummon the makers before them,

and fine offenders.

Fine, how to be recovered.

ſuch offender or offenders, returning the overplus, after ſatisfaction and payment of ſuch amercements or fines, and the charges of levying the ſame, to the owner of the goods and chattels which ſhall be ſo diſtrained.

Sect. 4. " Provided always, and it is hereby declared and enacted, That if any perſon or perſons ſhall think him or themſelves aggrieved by ſuch diſtreſs or ſale, by warrant under the ſaid company's ſeal, he or they may appeal to the next general quarter-ſeſſions of the peace, to be holden for the county in which ſuch diſtreſs was made, who are hereby impowered to hear and finally determine the ſame, and to award coſts to either party, as they ſhall think fit.

Appeal to the quarter-ſeſſions.

Sect. 5. " And the better to put this act in execution in all other parts of the kingdom of *England*, as well as within the ſaid city of *London*, and the diſtance of fifteen miles from the ſame; Be it further enacted by the authority aforeſaid, That the juſtices of peace for every county in *England*, ſhall, from and after the ſaid twenty-ninth day of *September*, at their quarter-ſeſſions, to be held next after the *Epiphany* in every year ſucceſſively, nominate and appoint two or more perſons for ſearchers, to continue in and execute ſuch office for one year only, as they ſhall beſt approve of, to inſpect, ſearch, examine and view, as well into the earth, clay, and materials wherewith any bricks or pantiles ſhall be, or be deſigned to be made for ſale; as alſo to ſearch, examine, and view all ſuch bricks and pantiles as ſhall be made for ſale, as well before as after the ſame ſhall be burnt; and for that purpoſe to enter and go into any lands, grounds, houſes, outhouſes, ſheds, warehouſes, and all and every place and places where any earth or clay ſhall be digged for making bricks or pantiles, or where any bricks or pantiles ſhall be made or expoſed to or for ſale, except within the compaſs of fifteen miles from the ſaid city of *London*, as aforeſaid; and ſuch perſons ſhall, at leaſt twice in every year, *videlicet*, at the next general quarter-ſeſſions which ſhall be held next after *Eaſter* day, and the next general quarter-ſeſſions which ſhall be held next after *Michaelmas* day, for any of the ſaid reſpective counties, ſhall make their ſeveral preſentments and returns in writing, under their reſpective hands, of ſuch perſons who ſhall, within the ſaid reſpective counties, or any of them, not within the ſaid limits of fifteen miles from the ſaid city of *London*, make any bricks or pantiles for ſale, contrary to the ſeveral directions in this act before preſcribed for making the ſame, or any of them; and of the number of bricks or pantiles made or burnt for ſale, contrary to the proviſions hereby made; to which preſentment the party or parties preſented, being duly ſummoned, ſhall be obliged to appear, and thereupon traverſe, deny, or confeſs the ſame at the then next enſuing quarter-ſeſſions, when he or they ſhall appear; and if by confeſſion of the party or parties, or verdict of a jury of twelve men of the county wherein ſuch offence or offences ſhall be committed, to be immediately at the ſaid ſeſſions ſworn and impannelled, ſuch perſon or perſons ſhall be convicted; or if the party or parties, after duly ſummoned ſhall refuſe to appear and plead, then, and in either of the ſaid caſes, the ſeveral penalties in this act mentioned ſhall be levied upon him, her, or them, his, her or their goods and chattels; and then, and in either of the ſaid caſes, ſuch penalties after ſo levied, ſhall be diſtributed by the

Juſtices may nominate perſons to ſearch in other places.

Who are to make their preſentments twice in the year.

ſaid juſtices of the peace, at their ſaid general quarter-ſeſſions, or any other enſuing quarter-ſeſſions for any of the ſaid counties, in the parts and proportions following; that is to ſay, one moiety thereof to the perſon or perſons who ſhall make ſuch preſentment or preſentments, return or returns, as aforeſaid, and the other moiety thereof to the poor of the pariſh or pariſhes wherein the offender or offenders ſhall live.

Searchers to be paid by the brick-makers.

Sect. 6. "And be it further enacted by the authority aforeſaid, That the ſearchers, ſo as aforeſaid, from time to time to be appointed, either by the ſaid maſter and wardens, or by the juſtices of the peace for any of the ſaid counties, ſhall, upon making ſuch ſearch and inquiry aforeſaid, be paid by every brick-maker and pantile-maker, for their trouble and pains, the ſeveral ſums of money hereafter mentioned; that is to ſay, for every thouſand of bricks ſearched, one halfpenny; and for every thouſand of pantiles ſearched, one penny.

17 Ed. 4, c. 4, Maſter and wardens, &c. to ſearch twice in the year the making of all tiles, &c.

Sect. 7. "And whereas the ſaid before-mentioned ſtatute, made in the ſeventeenth year of his ſaid late majeſty king *Edward* the fourth, hath not of late years been put into execution; be it further enacted by the authority aforeſaid, That the ſaid maſter and wardens of the ſaid ſociety, or any four or more honeſt men of the ſaid art and myſtery, by the ſaid maſter and wardens of the ſaid company for the time being to be appointed, ſhall, from and after the ſaid twenty-ninth day of *September*, have the ſame power and authority, twice in every year, or oftner, if they ſhall think fit, to ſearch and examine the digging, caſting, turning, parting, making, whitening, and anealing of all plain-tiles, roof-tiles, and gutter-tiles, as ſhall be made for ſale within the cities of *London* and *Weſtminſter*, or the ſuburbs thereof, or within the ſpace or diſtance of fifteen miles from the ſame; and ſhall be paid the ſame allowance for making ſuch ſearches by the makers of plain-tiles, roof-tiles, and gutter-tiles, within the ſaid limits, as any perſon or perſons, by any juſtices of the peace to be appointed purſuant to the ſaid before-mentioned ſtatute, might have had, or would have been entitled unto, had not this act been made; and ſhall and may ſummon the defaulters, and fine and amerce them the ſeveral penalties in the ſaid before recited ſtatute mentioned, and recover and levy ſuch fines and amercements, in the ſame manner as the ſaid company are impowered to levy the fines by this act appointed to be paid, by any perſon or perſons making bad bricks or pantiles contrary to this act; and the ſeveral juſtices of the peace, as well within the city of *London*, and ſuburbs thereof, and within the ſpace or diſtance of fifteen miles from the ſame, as of every reſpective county within the kingdom of *England*, ſhall have power at any of their general quarter-ſeſſions to examine, enquire, and determine, upon the complaint or information of any brick-maker or brick-makers, or tilers, or any other perſon or perſons, of and concerning all defaults and miſdemeanors of the ſearchers, ſo by the ſaid company or juſtices to be, from time to time, appointed, and fine them, every or any of them, at the ſaid ſeveral quarter-ſeſſions, any ſum or ſums of money, not exceeding the ſum of ten pounds, for their or any of their defaults in the premiſſes.

and the juſtices in all other places.

Sect. 8. "And for preventing all combination amongſt any brick-makers or tile-makers, in order to advance or inhance the price of bricks or tiles, which ſhall at any time or times hereafter be made for ſale, within the diſtance or ſpace of fifteen miles from the ſaid city of *London*; be it further enacted by the authority aforeſaid, That all and every contract or contracts, covenant or covenants, agreement or agreements, whether the ſame be in writing, or not in writing, heretofore made or entred into, or hereafter to be made or entered into, by or between any brick-makers or tile-makers, or any other perſon or perſons whatſoever concerned or intereſted, or to be concerned or intereſted in the making of any bricks or tiles for ſale, within the ſaid diſtance or ſpace of fifteen miles from the ſaid city of *London*, for ingroſſing of bricks or tiles, or for reſtraining or hindering any perſon or perſons whomſoever from freely ſelling the ſame, or for limiting or fixing any certain price or prices under which the ſame ſhall not be ſold, ſhall be, and are hereby declared illegal, null, and void, to all intents and purpoſes; and if any brick-maker or brick-makers, tile-maker or tile-makers, or other perſon or perſons concerned or intereſted, or to be concerned or intereſted in the making of bricks or tiles for ſale, within the ſaid diſtance or ſpace of fifteen miles from the ſaid city of *London*, ſhall, at any time or times, after the ſaid twenty-ninth day of *September*, one thouſand ſeven hundred and twenty-ſix, keep up, continue, act in, make, enter into, ſign, ſeal, or be knowingly intereſted or concerned in any ſuch contract or contracts, covenant or covenants, agreement or agreements, herein before declared to be illegal, null, and void, or ſhall knowingly act or officiate therein as clerk, agent, or ſervant to or for any perſon or perſons ſo contracting, agreeing, or acting contrary to the true intent and meaning of this act, the perſon or perſons ſo offending ſhall forfeit and pay as following; that is to ſay, every brick-maker or tile-maker, or other perſon or perſons concerned or intereſted in making bricks or tiles for ſale, within the ſaid diſtance or ſpace of fifteen miles from the ſaid city of *London*, the ſum of twenty pounds; and every clerk, agent, or ſervant, as aforeſaid, the ſum of ten pounds; one moiety of which ſaid penalties ſhall go and be applied to the poor of the pariſh where ſuch offence ſhall be committed; and the other moiety thereof to ſuch perſon or perſons as ſhall ſue for the ſame, within the ſpace of ſix months next after the ſaid offence ſhall be committed; to be recovered, with full coſts of ſuit, by action of debt, bill, plaint, or information, in any of his majeſty's courts of record at *Weſtminſter*; wherein no eſſoin, protection, or wager at law ſhall be allowed, or more than one imparlance given.

Contracts for ingroſſing bricks or tiles, &c. illegal.

Penalty.

Sect 9. "And it is hereby further enacted by the authority aforeſaid, That this act is and ſhall be deemed a publick act or ſtatute, of which all courts, and judges, and juſtices, ſhall take notice; and if any perſon ſhall be ſued for any act, matter, or thing, done in purſuance of this ſtatute, ſuch perſon ſhall and may plead the general iſſue, and give the ſpecial matter in evidence; and moreover, that any perſon who ſhall be convicted by and in purſuance of this act, ſhall not be liable to be ſued or proſecuted by virtue of the ſaid ſtatute of the ſeventeenth of *Edward* the fourth, or any otherwiſe."

Public act.

General iſſue.

17 Ed. 4. c. 7.

STAT. 2 *Geo.* 2, *c.* 15, [*A. D.* 1729, *intituled*] "An act to explain and amend an act made in the twelfth year of his late majesty's reign, intituled, *An act to prevent abuses in the making of bricks and tiles, and to ascertain the dimensions thereof, and to prevent all unlawful combinations amongst any brick-makers, or tile-makers, within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles.*"

12 Geo. 1, c. 35.

"Whereas, by an act of parliament passed in the twelfth year of the reign of his late majesty king *George* the first, intituled, *An act to prevent abuses in the making of bricks and tiles, and to ascertain the dimensions thereof, and to prevent all unlawful combinations amongst any brick-makers or tile-makers within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles*, diverse rules, orders, and directions were made and given for making bricks and tiles for sale; and the master and wardens of the company of tilers and brick-layers of the city of *London*, and others by them appointed, are impowered, for the better discovering offenders, to make searches within the compass of fifteen miles of the said city; and the said master and wardens are impowered to fine offenders within that compass, and have the sole power so to do, and to recover such fines, and yet have permitted and encouraged diverse persons to make bricks contrary to the directions of the said act: May it therefore please your majesty that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the master and wardens of the said company of tilers and brick-layers of *London* shall be, and they are hereby, divested of all and every the powers by the said act given to, or vested in them; and that it shall and may be lawful to and for any three or more persons, who shall be appointed searchers for such purpose by the justices of the peace, or the major part of them, assembled at their respective general or quarter-sessions to be held for the said city of *London*, or any county or place within the compass of fifteen miles thereof (who are hereby authorized and required to appoint such searchers from time to time accordingly) to enter and go in the day time into and upon any grounds, sheds, and places, where any clay or earth shall be digged, or digging, for bricks or pantiles, or any bricks or pantiles shall be made or making for sale, or exposed to sale, within the said city or compass, and the county or place for which such sessions shall be respectively held, and there to view, search, and inspect the same: and that all and every person and persons, who shall, within the said city or compass, wittingly and willingly make or burn, or cause to be made or burnt, or be concerned or interested (as or in the nature of a master brick-maker, or master brick-makers) in making or burning any bricks or pantiles for sale, contrary to the true intent and meaning of this act, or the said recited act, or in vending or selling any bricks or pantiles so made or burnt, or to be made or burnt, shall forfeit and pay the sum of twenty shillings of lawful money of *Great Britain*, for every thousand

Company of tilers and brick-layers divested of the powers given them by the foresaid act.

Searchers to be appointed by the quarter-sessions, and their powers.

Penalty for making bricks or tiles contrary to this or the former act.

of ſuch bricks, and ten ſhillings for every thouſand of ſuch tiles; to be recovered by action of debt, bill, plaint, or information, in any of his majeſty's courts of record at *Weſtminſter*, by any perſon or perſons, who will ſue for the ſame; wherein no eſſoin, protection, privilege, or wager of law, ſhall be allowed, or more than one imparlance; and one moiety thereof ſhall go and be applied to the uſe of the perſon or perſons who ſhall ſue for the ſame, and the other moiety thereof to the uſe of the poor of the pariſh where ſuch offence ſhall be committed.

Proſecutions to be commenced in 1 year.

Sect. 2. "Provided always, That no penalty inflicted by this act, or the ſaid recited act, ſhall be recovered by virtue of ſome proſecution or action commenced within one year next after the offence, and carried on with effect, and without wilful delay; and that no perſon or perſons ſhall be convicted twice, and pay two penalties for one and the ſame offence.

None to be convicted twice for one offence.

Ater 29 *Sept.* 1729, when ground is dug for bricks, the ſoil to be taken off till they come to the real brick earth.

Sect. 3. "Provided always, and be it enacted by the authority aforeſaid, That from and after the twenty-ninth day of *September*, in the year of our Lord one thouſand ſeven hundred and twenty-nine, when any ground or earth ſhall be dug for making of bricks for ſale, within the compaſs of fifteen miles of the ſaid city, the owner or owners, proprietor or proprietors thereof, ſhall, and they are hereby obliged and required to uncallow and take off all the ſoil, mould, or other compoſt, lying upon the ſaid earth, until they come to the real brick earth; and that none of the ſaid compoſt, mould, or ſoil, or any mud or dirt of any kind or nature, ſhall be mixed with the real brick earth, under any pretence whatſoever; and that in caſe any ſuch mixture ſhall be made, and any of the ſaid compoſt, mould, ſoil, mud, or dirt, ſhall be uſed in making bricks of the ſaid brick-earth, within the ſaid compaſs of fifteen miles of the ſaid city, the ſame ſhall be liable and ſubject to the ſame penalties and forfeitures; to be levied and recovered by the ſame ways, means, and methods, as other penalties and forfeitures are to be levied and recovered by this act, for making bad bricks.

Publick act.

General iſſue.

Sect. 4. "And be it enacted by the authority aforeſaid, That this act ſhall be deemed and taken to be a publick act, and all judges, juſtices, and others, ſhall take notice thereof as ſuch; and if any action or ſuit ſhall be commenced againſt any perſon or perſons for any act, matter, or thing, done in purſuance hereof, he or they ſhall and may plead the general iſſue, and give this act and the ſpecial matter in evidence, and recover coſts in caſe a verdict ſhall paſs for him or them, or the plaintiff or plaintiffs ſhall become nonſuit in, or diſcontinue, ſuch action or ſuit, or judgment be given againſt him or them upon demurrer.

Continuation of the act 12 Geo. 1, c. 35, and of this act.

Sect. 5. "And be it enacted by the authority aforeſaid, That the ſaid recited act of the twelfth year of his late majeſty's reign, intituled, *An act to prevent abuſes in the making of bricks and tiles, and to aſcertain the dimenſions thereof, and to prevent all unlawful combinations amongſt any brick-makers or tile-makers within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles*, ſhall, at the end of the ſeſſion of parliament, which ſhall be next after the twenty-fifth day of *March*, in the year of our Lord one thouſand ſeven hundred and thirty-two, ceaſe and determine, and that this act ſhall then alſo ceaſe and determine."

Stat. 3 *Geo.* 2, *c.* 22, [*A. D.* 1730, *intituled*, "An act for amending the acts therein mentioned relating to the making of bricks."

Sect. 1. "Whereas the dimenſions of bricks, and the making thereof without any ſpaniſh, and the burning of the ſame without cinders, commonly called breeze, either in kilns or in diſtinct clamps by themſelves, as preſcribed and directed by an act made in the twelfth year of the reign of his late majeſty king *George* the firſt, intituled, *An act to prevent abuſes in the making of bricks and tiles, and to aſcertain the dimenſions thereof, and to prevent all unlawful combinations amongſt any brick-makers or tile-makers, within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles*, have been found by experience to be very inconvenient and prejudicial in the making of uſeful and good bricks; and further directions were given concerning the making of bricks, by an act made in the ſecond year of the reign of his preſent majeſty (to explain and amend the ſaid recited act) and it is requiſite to make other proviſions in the premiſſes; May it therefore pleaſe your majeſty, That it may be enacted, and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful to and for any perſon or perſons, within the diſtance of fifteen miles of the city of *London*, to make and burn any bricks for ſale, or to be expoſed to or for ſale, which when burnt ſhall be eight inches and three quarters long, four inches and one eighth broad, and two inches and an half thick; any thing in the ſaid recited acts, or either of them, to the contrary notwithſtanding.

12 Geo. 1, c. 35.

2 Geo. 2, c. 15.

Dimenſion of bricks.

Bricks made of brick earth and ſea-coal aſhes, may be burnt in clamps,

Sect. 2. "And be it enacted by the authority aforeſaid, That it ſhall and may be alſo lawful to and for any perſon or perſons to make and burn in clamps for ſale, or expoſe to or for ſale, bricks made of real brick-earth, wherein may be mixed any quantity of ſea-coal aſhes, ſifted or ſcreened through a ſieve or ſcreen half an inch wide, and not exceeding twenty loads to the making of one hundred thouſand of bricks, each load not exceeding thirty-ſix buſhels, and in that proportion for any other number or quantity of bricks.

and mixed with breeze.

Sect. 3. "And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for any perſon or perſons to uſe cinders, commonly called breeze, mixed with coal, in the burning of bricks in clamps for ſale, or to be expoſed to or for ſale,

Stock or place-bricks,

Sect. 4. "And be it enacted by the authority aforeſaid, That bricks commonly called ſtock-bricks, and bricks commonly called place-bricks, made and burnt for ſale, or to be expoſed to or for ſale, may be burnt in one and the ſame clamp, ſo as the ſtock-bricks be therein ſet in one and diſtinct parcel, and not diſperſed, intermixed, or ſurrounded with place-bricks; any thing in the ſaid recited acts, or either of them, to the contrary notwithſtanding.

Brick-makers liable to the

Sect. 5. "And be it enacted by the authority aforeſaid, That all and every perſon and perſons, who ſhall wittingly and willingly make or burn,

or cauſe to be made or burnt, or be concerned or intereſted (as or in the nature of a maſter brick-maker or maſter brick-makers) in making or burning any bricks, or in vending or ſelling any bricks made or burnt, or to be made or burnt, contrary to the true intent and meaning of this act, or of the ſaid former acts, or either of them, in any reſpect, not expreſsly altered or allowed by this act, ſhall be liable and ſubject to ſuch and the ſame penalties and forfeitures, as by the ſaid recited acts, or either of them, are inflicted in caſes of offences of the like nature, againſt the ſaid acts, or either of them, and to be levied and recovered by ſuch ways, means, and methods, as any penalties or forfeitures in ſuch like caſes are to be levied and recovered by the ſaid acts, or either of them.

penalties in 12 Geo. 1, c. 35. and 2 Geo. 2, c. 15.

Sect. 6. "And be it enacted by the authority aforeſaid, That all clauſes, powers, and proviſions contained in the ſaid recited acts, or either of them, and which were of force before the making of this act, ſhall be deemed and conſtrued to extend to this act, and ſhall be obſerved and put in execution, in every reſpect not hereby expreſsly altered, or liberty expreſsly given to the contrary thereof, in ſuch and the ſame manner as if the ſame had been repeated and re-enacted in the body of this preſent act; and that this act ſhall be of force for and during ſo long time as the ſaid recited acts are to continue and be in force, and no longer.

Clauſes in the former acts, not hereby altered, continued.

Sect. 7. "And be it enacted, That this act ſhall be deemed and taken to be a publick act, and all judges, juſtices, and others, ſhall take notice thereof as ſuch; and if any action or ſuit ſhall be commenced againſt any perſon or perſons for any act, matter, or thing, done in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act and the ſpecial matter in evidence, and ſhall recover coſts in caſe a verdict ſhall paſs for him or them, or the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue ſuch action or ſuit, or judgment be given againſt him or them upon demurrer.

Publick act.

Stat. 10 *Geo.* 3, *c.* 49, *intituled*, "An act for continuing and amending ſeveral acts for preventing abuſes in making bricks and tiles."

Sect. 1. "The laws herein after mentioned having been found to be very beneficial, and near expiring, it is enacted, That an act, 12 *Geo.* 1, intituled, *An act to prevent abuſes in making of bricks and tiles, and to aſcertain the dimenſions thereof, and to prevent all unlawful combinations amongſt any brick-makers or tile-makers within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles*; and an act, 2 *Geo.* 2, intituled, *An act to explain and amend an act made in the twelfth year of his late majeſty's reign, intituled, An act to prevent abuſes in the making of bricks and tiles, and to aſcertain the dimenſions thereof, and to prevent all unlawful combinations amongſt any brick-layers or tile-makers, within fifteen miles of the city of* London, *in order to advance or enhance the price of bricks or tiles*; and an act, 3 *Geo.* 2, intituled, *An act for amending the acts therein mentioned relating to the making of bricks*; and ſo much of an act, 9 *Geo.* 3, intituled, *An act for reviving ſeveral acts for preventing abuſes in making bricks and tiles*;

and

and for indemnifying juſtices of the peace, and others who have acted under the ſaid acts; and for indemnifying perſons who have omitted to make and file affidavits; and for allowing further time for paying duties omitted to be paid upon contracts with clerks and apprentices; for making forth duplicates of Exchequer-bills, lottery-tickets, certificates, receipts, annuity-orders, and other orders loſt, burnt, or deſtroyed; and for repaying to Joſeph Glover *and* John Gill *the duty by them paid on a cargo of wheat, and for allowing the ſame to be landed for home-conſumption; and for preventing pariſh poor being paid in baſe or counterfeit coin*; as relates to bricks and tiles, which were to have continuance to the end of the ſeſſion of parliament, ſhall be further continued from the expiration thereof, to *September* 29, 1773; and from thence to the end of the then next ſeſſion of parliament.

Sect. 2. "All clay which ſhall be dug or deſigned for making any bricks for ſale, in any place within *England*, ſhall be turned at leaſt once between *February* 1, and the time of beginning to make ſuch bricks; and if any perſon ſhall make bricks of any clay which ſhall not be turned once within the ſaid time, he ſhall forfeit and pay ten ſhillings for every thouſand ſo made; to be levied and applied in ſuch a manner as other forfeitures are directed to be levied and applied by the former or preſent act.

Sect. 3. "All perſons within the city of *London*, and limits aforeſaid, may dig, at any time in the year, brick-earth for the making of bricks, provided ſuch earth is turned once before the ſame is made into bricks; any thing in the ſaid recited act, 12 *Geo.* 1, to the contrary thereof in any wiſe notwithſtanding.

Sect. 4. "The ſize of the ſieves or ſcreens for ſifting ſea-coal aſhes to be mixed with brick-earth in the making of bricks, ſhall not exceed one quarter of an inch between the maſhes of ſuch ſieve or ſcreen.

Sect. 5. "Any perſon may uſe cinders (commonly called breeze) only in the burning of bricks in clamps; any thing in the ſaid act, 3 *Geo.* 2, to the contrary notwithſtanding.

Sect. 6. "And as the dimenſions of bricks preſcribed in and by the ſaid recited acts have been found inconvenient within *London*, and the liberties thereof, it is enacted, That after the paſſing of this act, any perſon may make and burn bricks within the ſaid city and limits, which, when burnt, ſhall not be leſs than eight inches and an half long, nor leſs than four inches broad, nor leſs than two inches and an half thick; and that no penalty ſhall be incurred in reſpect of bricks of the ſaid dimenſions.

Sect. 7. "Nothing in this act contained ſhall extend to alter the dimenſions of bricks preſcribed in the ſaid act, 12 *Geo.* 1, which ſhall be made within any part of *England* beyond the ſaid diſtance of fifteen miles of *London*.

Sect. 8. "And as the method of recovering the penalties and forfeitures impoſed by the ſaid acts has been found inconvenient; it is enacted, That all penalties and forfeitures by the ſaid acts impoſed, ſhall, upon proof of the offences reſpectively, and conviction before any juſtice of the county, riding, or place, wherein the offence ſhall be committed; which juſtice is hereby authoriſed to hear and determine the ſame, either by the confeſſion

of

of parties, or by the oath of one witneſs, to be levied by diſtreſs and ſale of the goods and chattels of parties offending, by warrant under the hand and ſeal of ſuch juſtice (which warrant ſuch juſtice is required to grant for thoſe purpoſes, and to adminiſter ſuch oath *gratis*) and the overplus, after ſuch penalties and forfeitures, and the charges of ſuch diſtreſs and ſale are recovered, ſhall be returned on demand to the owner; and all ſuch forfeitures ſhall be paid, one moiety thereof to the informer, and the other moiety thereof to the poor of the pariſh wherein the offender ſhall live; and in caſe ſufficient diſtreſs ſhall not be found, or ſuch penalties and forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch juſtice, and he is required by warrant under his hand and ſeal, to cauſe ſuch offender to be committed to the common gaol or houſe of correction for the county, or place where the matter ſhall ariſe, there to remain without bail or mainprize not exceeding two calendar months, unleſs ſuch penalties and all reaſonable charges, ſhall be ſooner paid.

Sect. 9. "For the more eaſy and ſpeedy conviction of offenders againſt this or any of the ſaid acts, it is enacted, That all juſtices of the peace, before whom any perſon ſhall be convicted of any offence againſt this or any of the ſaid acts, ſhall cauſe the conviction to be drawn up in the following form of words, or in any form of words to the ſame effect, as the caſe ſhall happen, *videlicet*,

Be it remembered, That on the day of in the year of our Lord A. B. *is convicted before me* C. D. *one of his majeſty's juſtices of the peace for the county or place of* (ſpecifying the offence, and time and place when and where the ſame was committed, as the caſe ſhall be). Given under my hand and ſeal, the day and year aforeſaid.

Sect. 10. "No penalty inflicted by the ſaid former acts, or this act, in reſpect of the dimenſions of bricks, ſhall be recovered, unleſs the information ſhall be laid within one month next after the ſale or delivery of ſuch bricks in reſpect of which ſuch penalty ſhall be incurred, nor ſhall any perſon be liable to more than one penalty for one offence.

Sect. 11. "If any perſon ſhall think himſelf aggrieved by any thing done in purſuance of the act, ſuch perſon may within four calendar months after the cauſe of complaint ſhall have ariſen, appeal to the juſtices at any general quarter-ſeſſions for the county, riding, or place, wherein ſuch ſhall ariſe; ſuch appellant firſt giving twenty-one days notice at the leaſt in writing of his intention to bring ſuch appeal, and of the cauſe thereof, to the perſon whoſe acts are complained againſt, and within eight days after ſuch notice, entering into a recognizance before ſome juſtice for the reſpective county, riding, or place, with two ſufficient ſureties, conditioned to try ſuch appeal at, and abide the order of, and pay ſuch coſts as ſhall be awarded by the juſtices at ſuch quarter-ſeſſions: And the ſaid juſtices at their ſaid ſeſſions, upon due proof of ſuch notice being given, and of entering into ſuch recognizance, ſhall proceed in, hear, and finally determine the cauſes of ſuch appeals in a ſummary way, and award ſuch coſts to the party appealed againſt as they ſhall think proper; and the determination

mination of ſuch quarter-ſeſſions ſhall be concluſive to all intents; and no order made concerning any of the matters aforeſaid, or any other proceedings to be had touching the conviction of any offender againſt the ſaid acts, ſhall be quaſhed for want of form, or be removed by *certiorari*, or any other proceſs, into any of his majeſty's courts of record at *Weſtminſter*.

Cattle.

His majeſty impowered, by proclamation or order in council, to prohibit the importation of foreign hides or ſkins.

STAT. 9 *Geo.* 3, *c.* 39, [*A. D.* 1768,] *made, among other purpoſes,* "to authorize the prohibition of the importation of the hides, horns, and hoofs of infected cattle."

Sect. 10. "And it is hereby further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the king's moſt excellent majeſty, his heirs, or ſucceſſors, from time to time, or as often as he or they ſhall find it neceſſary ſo to do, by his or their royal proclamation, to be iſſued by and with the advice of his or their privy-council, or by his or their order in council, to be publiſhed in the *London Gazette*, to prohibit generally, or from any particular country or countries, the importation of any hides or ſkins, horns or hoofs, or any other part of any cattle or beaſt, into the kingdoms of *Great-Britain* or *Ireland*, for ſuch time or times to be therein mentioned, and under ſuch rules, orders, and regulations, as his majeſty, his heirs, and ſucceſſors, by the advice aforeſaid, ſhall judge moſt expedient and effectual to prevent any contagious diſtemper from being brought into theſe kingdoms; any law, cuſtom, or uſage, to the contrary notwithſtanding."

Corn.

BY ſtat. 10 *Geo.* 3, *c.* 1, the exportation of corn, grain, meal, malt, flour, bread, biſcuit and ſtarch, and alſo the extraction of low wines and ſpirits from wheat and wheat-flour, is prohibited until the twentieth day after the commencement of the next ſeſſion of parliament.

Stat. 10 *Geo.* 3, *c.* 39, *intituled*, "An act for regiſtering the prices at which corn is ſold in the ſeveral counties of *Great Britain*."

Sect. 1. "As a regiſter of the prices at which corn is ſold in the ſeveral counties of *Great Britain*, will be of public advantage; be it enacted, That

That the juſtices of the peace for each county, riding, diviſion, and ſtewartry within *Great Britain*, ſhall at their general or quarter ſeſſions to be held next after *September* 29, 1770, and ſo in every ſucceeding year during the continuance of the act, at their ſaid ſeſſions ſo held, order returns to be made weekly of the prices of wheat, rye, barley, oats and beans, from ſuch market-towns within ſuch reſpective counties, ridings, diviſions, and ſtewartries, as they ſhall think proper, not being leſs than two, nor more than ſix market-towns within ſuch county, riding, *&c.* in *England*; and in *Scotland*, the prices alſo of that grain called bear or big; and ſhall alſo appoint a proper perſon, being an inhabitant of ſuch market-town, to make ſuch returns from every ſuch market-town reſpectively to the perſon to be appointed in manner after directed to receive the ſame; and in caſe the perſon ſo appointed ſhall die, neglect his duty, or become incapable of performing it, any two juſtices for the county, riding, *&c.* may appoint a fit perſon to make ſuch returns, until the next general or quarter-ſeſſions of the peace to be holden for ſuch county, riding, *&c.*; and the juſtice of the peace at ſuch ſeſſions, ſhall ratify ſuch appointment, or appoint ſome other perſon to make ſuch returns until the next general or quarter-ſeſſions to be held after *September* 29.

Sect. 2. "The meal weighers, of the city of *London*, ſhall take an account of the prices at which wheat, rye, barley, oats, and beans are ſold at the markets within the ſaid city; and return the average prices weekly to the perſon to be appointed to receive the ſame.

Sect. 3. "In caſe any of the ſaid juſtices ſhall refuſe or neglect to appoint a proper perſon to make ſuch returns, then the lord-high-treaſurer, or the commiſſioners of the Treaſury, ſhall appoint ſuch perſon as they ſhall think proper to make ſuch returns from ſuch reſpective places; who ſhall be paid in the manner directed by this act, until the reſpective juſtices, at their general quarter-ſeſſions next after *September* 29, ſhall appoint a proper perſon for that purpoſe.

Sect. 4. "The juſtices for each county, riding, *&c.* ſhall cauſe a ſtandard *Wincheſter* buſhel of eight gallons to be kept at each market-town, from whence ſuch returns ſhall be directed to be made; and ſuch returns ſhall be the average prices of wheat, rye, barley, oats, beans, and bear or big, by the cuſtomary meaſure of each market; and alſo the average prices by the ſaid *Wincheſter* buſhel.

Sect. 5. "Every perſon making ſuch returns (except from *London*) ſhall receive ſuch ſums for his trouble therein, as the juſtices ſo aſſembled ſhall direct, not exceeding two ſhillings, for each return, to be paid quarterly out of the publick rates for each county, riding, *&c.*; which ſums the treaſurer of ſuch county, riding, *&c.* is hereby required to pay out of the publick ſtock of ſuch county, *&c.* upon receiving a certificate from the perſon authoriſed to receive ſuch returns, that the ſame have been made according to the directions of the act, and upon the receipt of duplicates of ſuch returns; which duplicates, the perſons making the ſame are to tranſmit to the clerk of the peace or his deputy for each reſpective county, *&c.* four times in every year, to be laid before the juſtices at their aforeſaid ſeſſions.

Sect. 6. "The lord-high treaſurer or the commiſſioners of the Treaſury ſhall, from time to time, appoint a fit perſon to receive ſuch returns at the Treaſury (the firſt appointment to be made before *Auguſt* 1, 1770, and publiſhed eight times at leaſt in the *London Gazette*); and ſuch perſon ſhall cauſe ſuch returns to be entered fairly in a book to be kept for that purpoſe; and once in every week to cauſe the ſame, or an abſtract thereof, in the manner and form that ſhall be approved of by the lord-high-treaſurer, or three commiſſioners of the Treaſury, to be publiſhed in the *London Gazette*; and ſhall alſo four times in every year tranſmit a certificate to the clerk of the peace for each reſpective county, *&c.* and to the court of mayor and aldermen of *London*, of the returns which have been made by the perſons appointed to make the ſame within ſuch county, *&c.*; and alſo whether the ſame were regularly made according to the directions of the act.

Sect. 7. "The perſon appointed to receive the returns at the Treaſury, ſhall ſend all his letters free from the duty of poſtage, in the ſame manner, and under ſuch reſtrictions, as perſons appointed by the lord-high-treaſurer, or commiſſiones of the Treaſury for that purpoſe, now ſend and receive the ſame in purſuace of an act 4 *Geo.* 3, intituled, *An act for preventing frauds and abuſes in relation to the ſending and receiving of letters and packets free from the duty of poſtage.*

Sect. 8. "The lord-high-treaſurer, or the commiſſioners of the Treaſury ſhall order, that an account of the quantities of all corn and grain exported and imported from and into *Great Britain*, together with an account of all duties paid and received thereon, be tranſmitted annually by the commiſſioners of the cuſtoms of *England* and *Scotland* reſpectively, and be regiſtered in proper books by the perſon appointed to receive the returns of the prices from the ſeveral counties aforeſaid.

Sect. 9. "This act ſhall have continuance from the paſſing thereof, during the term of ſeven years, and from thence to the end of the then next ſeſſion of parliament.

Dogs.

Stat. 10 *Geo.* 3, *c.* 18, *intituled*, "An act for preventing the ſtealing of dogs".

THE preamble recites that, as the practice of ſtealing dogs hath lately increaſed, it is enacted, that after *May* 1, 1770, if any perſon ſhall ſteal, ſell, buy, or detain any dog, knowing the ſame to have been ſtolen, upon conviction on the oath of credible witneſſes, he ſhall, for the firſt offence, forfeit not leſs than twenty pounds together with the charges attending

tending ſuch conviction, to be aſcertained by the juſtice before whom the offender ſhall be convicted; and in caſe ſuch penalty ſhall not be forthwith paid, ſuch juſtice ſhall commit the offender to the common gaol, for not leſs than ſix calendar months. And perſons once ſo convicted, and afterwards guilty of the like offence, ſhall forfeit not leſs than thirty pounds, with the charges previous to and attending the conviction: which penalties ſhall be paid, one moiety to the informer, and the other to the poor of the pariſh; and, on non-payment, the offender ſhall be committed, and impriſoned not leſs than twelve months, or until payment is made; and the juſtice ſhall alſo order the offender to be publickly whipped between the hours of twelve and two o'clock.

Sect. 2. "Juſtices may grant warrants to ſearch for dogs ſtolen; and in caſe ſuch ſhall be found, or their ſkins, to cauſe the ſame to be reſtored to the owner; and the perſon in whoſe cuſtody ſuch ſhall be found, (in caſe it appear that he was privy to ſuch dog having been ſtolen) ſhall be liable to like penalties and puniſhments.

Sect. 3. "Juſtices may cauſe the conviction to be drawn up in the following form;

Be it remembered, That on the day of in the year of our Lord A. B. *is convicted before us of his majeſty's juſtices of the peace for the county of* (ſpecifying the offence, and the time and place when and where the ſame was committed, as the caſe ſhall be.) *Given under our hands and ſeals the day and year aforeſaid.*

Sect. 4. "Perſons who think themſelves aggrieved by any thing done in purſuance of the act, may appeal to the juſtices, at the next quarter-ſeſſions; the appellant giving fourteen days notice to perſons conplained againſt; and, in two days after ſuch notice, entering into recognizance; and the juſtices, on due proof, ſhall hear and finally determine the cauſe in a ſummary way, and award ſuch coſts as they ſhall judge proper; and ſuch determination ſhall be final and concluſive; and no order made ſhall be quaſhed for want of form, or be removed by *certiorari*, *&c.* into any court of record.

Exciſe and Cuſtoms.

STAT. 9 *Geo.* 3, *c.* 6. [*A. D.* 1768, *intituled*] "An act for the more effectually preventing the clandeſtine importation of foreign ſpirits; and for explaining ſuch part of an act made in the fifth year of the reign of his preſent majeſty, as relates to the penalties inflicted upon perſons ſelling ale,

ale, beer, or other exciſeable liquors by retail, without licence; and for taking away certain powers granted by former acts, for puniſhing perſons convicted of retailing ſpirituous liquors without licence."

Preamble, reciting clauſe in act 8 Geo. 1, which ſee in vol. 2, p. 29.

Sect. 1. "Whereas by an act paſſed in the eighth year of the reign of his late majeſty king *George* the firſt, intituled, *An act to prevent the clandeſtine running of goods, and the danger of infection thereby; and to prevent ſhips breaking their quarentine; and to ſubject copper ore, of the productions of the* Britiſh *plantations, to ſuch regulations as other enumerated commodities of like production are ſubject*, it is enacted and declared, that any officer of exciſe ſhall and may, and ought to ſeize all brandy, arrack, rum, ſpirits, and ſtrong waters, together with the caſks, bottles, veſſels, or other package containing the ſame, which by any act or acts then in force, or then after to be made, ſhould be forfeited: and whereas no proviſion is made by the laws in being to impower the officers of exciſe to ſeize horſes, or other cattle or carriages made uſe of in removing, carrying, or conveying, the ſaid liquors forfeited as aforeſaid; and it would be a further means to prevent the clandeſtine importation of ſpirituous liquors, if officers of exciſe were impowered to ſeize the horſes, or other cattle and carriages made uſe of in removing, carrying, or conveying the ſame, in the ſame manner as the officers of the cuſtoms may now legally do; be it therefore enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the tenth day of *January*, one thouſand ſeven hundred and ſixty-nine, it ſhall and may be lawful to and for the officers of exciſe, and every of them, and they, and each of them, are required to ſeize all and every horſe, and other cattle and carriages whatſoever, uſed in the removing, carrying, or conveying away, any of the liquors aforeſaid (cuſtoms and other duties not being firſt paid or ſecured) in the ſame manner as the officers of the cuſtoms may now legally do; which ſeizures of horſes, cattle, and carriages, ſhall and may be proceeded upon, heard, and determined, by ſuch ways, means, and methods, as any fine, penalty, or forfeiture, is or may be ſued for, or recovered by any law or laws relating to his majeſty's revenue of exciſe, or any of them; or by action of debt, bill, plaint, or information, in any of his majeſty's courts of record at *Weſtminſter*, for any thing done in that part of *Great Britain* called *England*, or in the court of Exchequer at *Edinburgh*, for any thing done in that part of *Great Britain* called *Scotland*; and that one moiety of every ſuch forfeiture, ſhall be to his majeſty, his heirs, and ſucceſſors, and the other moiety thereof, to him or them who ſhall ſeize, inform, or ſue for the ſame.

After 10 Jan. 1769, officers of exciſe are impowered to ſeize all horſes, cattle, and carriages, uſed in removing or conveying away foreign ſpirits, for which duties, &c. have not been paid, as officers of the cuſtoms may now do. Method of proceeding thereupon.

Clauſe in act 5 Geo. 3, which ſee in vol. 1, p. 32, &c.

Sect. 2. "And whereas by an act paſſed in the fifth year of his preſent majeſty's reign, intituled, *An act for altering the ſtamp duties upon admiſſion into corporations or companies; and for further ſecuring the ſtamp duties in* Great Britain; it is, amongſt other things, enacted, that from and after the fifth day of *July*, one thouſand ſeven hundred and ſixty-five, every perſon

perſon convicted of ſelling beer, ale, or other exciſeable liquors by retail, within *England*, *Wales*, or the town of *Berwick upon Tweed*, without being licenſed thereto, ſhall, inſtead of the ſeveral pecuniary and corporal puniſhments, inflicted by former acts, forfeit and undergo the penalties and puniſhments following; for the firſt offence, the ſum of forty ſhillings, and all coſts and expences of conviction; and if not paid within fourteen days, the party ſhall ſuffer impriſonment for one month, unleſs the penalty and charges ſhall be ſooner paid; and for the ſecond offence, four pounds, with the like coſts; and if not paid within one week, the party ſhall ſuffer impriſonment for two months, unleſs ſuch fine and coſts be ſooner paid; and for the third offence, and all ſubſequent offences, ſix pounds, with like coſts; and if not paid within three days, the party ſhall ſuffer impriſonment for three months, unleſs he ſhall ſooner pay the ſame as aforeſaid; the ſaid coſts and expences to be ſettled and aſcertained, as is therein mentioned: and whereas ſince paſſing of the ſaid laſt in part recited act, it has been doubted, whether the ſeveral powers, authorities, directions, rules, methods, penalties, puniſhments, and forfeitures, clauſes, matters, and things, which were provided, ſettled, directed, eſtabliſhed, or impoſed by any act or acts of parliament made ſince the eighth year of his late majeſty king *George* the ſecond, relating to the ſelling ſpirituous liquors by retail without licence, might be lawfully exerciſed, impoſed, inflicted, and recovered, againſt any perſon for retailing ſpirituous liquors without licence: now, in order to put an end to ſuch doubts, be it enacted and declared by the authority aforeſaid, That all and every the powers, authorities, directions, rules, methods, penalties, puniſhments, and forfeitures, clauſes, matters, and things, provided, ſettled, directed, eſtabliſhed, or impoſed by any act or acts of parliament made ſince the eighth year of the reign of his late majeſty king *George* the ſecond, relating to the ſelling of ſpirituous liquors by retail without licence (except the forfeiture or penalty of one hundred pounds impoſed by an act of the ninth year of the reign of his late majeſty king *George* the ſecond, intituled, *An act for laying a duty upon the retailers of ſpirituous liquors, and for licenſing the retailers thereof*) might have been, notwithſtanding the ſaid act made in the fifth year of his preſent majeſty's reign, and may (except as is herein after mentioned) for the future be lawfully exerciſed, practiſed, applied, uſed, impoſed, inflicted, levied, and recovered, in regard to all and every perſon and perſons that have offended or ſhall offend againſt the ſaid ſeveral and reſpective acts, or any of them, made ſince the eighth year of the reign of his ſaid late majeſty king *George* the ſecond.

Powers, &c. provided and eſtabliſhed by any act or acts made ſince 8 Geo. 2, relating to the retailing ſpirituous liquors without licene (except the penalty of 100l. impoſed by act 9 Geo. 2) might have been, and may, notwithſtanding act 5 Geo. 3, be lawfully exerciſed.

Sect. 3. "Provided always nevertheleſs, and it is hereby enacted by the authority aforeſaid, that from and after the tenth day of *January*, one thouſand ſeven hundred and ſixty-nine, all the powers and authority by the ſaid former acts, or any of them, to the juſtices of peace and commiſſioners of exciſe reſpectively given of tranſporting or whipping perſons convicted of retailing ſpirituous liquors without licence, ſhall ceaſe and be no longer put in force; any former act or acts to the contrary notwithſtanding.

The powers given to juſtices of the peace, &c. by former acts, of tranſporting or whipping perſons who retail ſpirituous liquors without licence, are taken away.

Frame-work Knitters.

STAT. 6 *Geo.* 3, *c.* 29 [*A. D.* 1765. *intituled,*] "An act to prevent the fraudulent marking of frame-work knitted pieces, and ſtockings."

Preamble.

Sect. 1. "Whereas perſons employed in the frame-work knitted manufactures, do often mark their goods to denote the ſame to be made with a greater number of threads than ſuch manufactures are really made of, to the great impoſition of the buyers, and diſcredit of the ſaid manufactures at foreign markets: therefore, to prevent the like impoſitions and deceits for the future, may it pleaſe your majeſty, that it may be enacted; and be it enacted, by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, all frame-work knitted pieces, and ſtockings made of thread, cotton, worſted, or yarn, or of any mixture of all or any of the ſaid materials, or of any materials of any other kind or nature whatſoever (except ſuch as ſhall be made of ſilk only) which ſhall contain three or more threads, ſhall be marked with the ſame number of ilet-holes, and no more, as there are threads contained in each piece or pair of ſuch goods and manufactures; and ſuch ilet-holes ſhall be made in a plain and diſtinct manner in one direct line, or in the ſame courſe, and ſhall not exceed the diſtance of three inches from the two extream ilet-holes; and no ſuch ilet-holes ſhall be made or placed within the diſtance of four inches of any letter, figure, mark, or other device, which ſhall be put or woven in any ſuch goods or manufactures; and all ſuch ilet-holes ſhall be made within four inches of the top or end of every ſuch piece or pair of ſuch goods and manufactures; and that no ilet-holes, or imitation thereof, ſhall be made or put in any frame-work knitted piece or pair of ſtockings upon any account or pretence whatſoever, except as herein before directed by this act.

From and after 24 June, 1766, all frame-work knitted pieces and ſtockings (thoſe made of ſilk excepted) containing three or more threads, are to be marked with the ſame number of ilet holes, and no more, in manner here directed.

Proviſion with reſpect to the welts and tops of ſtockings.

Sect. 2. "Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to prevent any manufacturers from uſing remnants, or materials of any ſort, in the welts and tops of ſtockings only, at any diſtance not exceeding three inches from the top, although the ſame ſhall not contain ſo great a number of threads as are contained in the legs of ſuch ſtockings.

Maſters, &c. not duly and truly marking their goods, in manner above directed,

Sect. 3. "And be it further enacted by the authority aforeſaid, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, if any maſter frame-work knitter, or maſter hoſier, or any other perſon, ſhall make or work, or ſhall cauſe or procure to be made or wrought, any frame-work knitted goods or manufactures of any of the materials

materials aforeſaid, or any mixture thereof (except ſuch as ſhall be made of ſilk only) without being duly and truly marked in the manner before directed; every ſuch maſter frame-work knitter, or maſter-hoſier, or other perſon ſo offending, and being thereof convicted in manner herein after mentioned, ſhall reſpectively forfeit and pay the ſum of five pounds for every piece of ſuch frame-work knitted goods, or pair of ſtockings, ſo made, or cauſed or procured to be made, which ſhall not be duly and truly marked according to the directions of this act; and ſhall alſo forfeit and loſe all ſuch frame-work knitted pieces and ſtockings.

forfeit five pounds and the goods.

Sect. 4. "Provided always, That the penalty of five pounds herein before mentioned, ſhall not be conſtrued to extend to any journeyman, apprentice, ſervant, or perſon, not making ſuch goods or manufactures on his own account.

Journeymen, &c. not making ſuch goods on their own account, excepted;

Sect. 5. "And be it further enacted by the authority aforeſaid, That if any journeyman, apprentice, ſervant, or other perſon, employed in making any frame-work knitted manufactures, ſhall not, at the time that he ſhall make any frame-work knitted piece or pair of ſtockings, duly and truly mark every ſuch piece and pair according to the directions of this act, and the true intent and meaning thereof; every ſuch journeyman, apprentice, ſervant, or other perſon, ſo offending, and being thereof convicted in manner herein after mentioned, ſhall reſpectively forfeit and pay any ſum not exceeding the ſum of forty ſhillings, nor leſs than five ſhillings, for each and every piece of frame-work knitted goods, or pair of ſtockings, which every ſuch journeyman, apprentice, ſervant, or other perſon, ſhall reſpectively make, and ſhall not mark in manner before directed.

who are liable to forfeit not exceeding forty ſhillings nor leſs than five ſhillings,

Sect. 6. "Provided always, That if any journeyman, apprentice, or ſervant, or other perſon, employed in making any frame-work knitted manufactures, ſhall make it appear, to the ſatisfaction of the juſtice before whom he ſhall be brought, that ſuch frame-work knitted pieces, or ſtockings, ſo by him unduly marked, was ſo marked by direction of his maſter, or the perſon by whom he was employed; that then, and in every ſuch caſe, ſuch journeyman, apprentice, or ſervant, or other perſon, ſhall be exempted from any penalty or forfeiture for ſuch offence.

unleſs they make it appear that they acted according to the direction of their maſters; in which caſe they are exempted.

Sect. 7. "And be it further enacted by the authority aforeſaid, That from and after the twenty-fifth day of *March*, one thouſand ſeven hundred and ſixty-eight, if any frame-work knitter, hoſier, or other perſon, ſhall ſell, or expoſe to ſale, any frame-work knitted piece, or pair of ſtockings, made of all or any of the aforeſaid materials, or of any mixture thereof (except ſuch as ſhall be made of ſilk only) which ſhall not be duly and truly marked in manner herein before directed; every ſuch hoſier, and other perſon, ſo offending, and being thereof convicted in manner herein after mentioned, ſhall forfeit and pay the ſum of five pounds for every frame-work knitted piece, and for every pair of ſtockings, ſo ſold, or expoſed to ſale, which ſhall not be duly and truly marked according to the directions of this act; and ſhall alſo forfeit and loſe all ſuch frame-work knitted pieces, and ſtockings, ſo by him ſold, or expoſed to ſale.

From and after the 25th of March, 1768. perſons who ſhall ſell or expoſe to ſale any ſuch goods not being duly and truly marked forfeit five pounds per piece, &c. and the goods;

except they discover the vender, so as he shall be convicted, and become liable to the penalty;

Sect. 8. "Provided always, and be it further enacted by the authority aforesaid, That if, at any time after the twenty fifth day of *March*, one thousand seven hundred and sixty-eight, any person shall be prosecuted by virtue of this act, for selling, or exposing to sale, any frame-work knitted goods or manufactures, which shall not be duly and truly marked according to the directions of this act, and shall discover the vender or seller thereof, so as such vender or seller shall be convicted, and become liable to the penalties and forfeitures laid and inflicted by this act; then, and not otherwise, the person so prosecuted for selling or exposing such frame-work knitted goods or manufactures to sale, shall be, and is hereby discharged from any penalty or forfeiture laid or inflicted by this act; any thing in this act to the contrary notwithstanding.

in which case they are exempted.

Method of conviction,

Sect. 9. "And be it further enacted by the authority aforesaid, That it shall and may be lawful for any one or more justice or justices of the peace for the county, riding, division, city, town, or place, where any offence shall be committed against this act, such justice not being a frame-work knitter, hosier, or proprietor of frames made use of in the weaving or frame-work knitted goods or manufactures, to convict the party or parties offending, upon the oath of one or more credible witness or witnesses (which oath such justice or justices are hereby impowered and required to administer) and, upon such conviction, in case such penalties or forfeitures shall not be forthwith paid, to issue a warrant or warrants under his or their hand and seal, or hands and seals, to levy and recover the said respective penalties and forfeitures by distress and sale of the offenders goods and chattels, rendering the overplus (if any there shall be) after deducting the charges of such distress and sale, to the owner or owners thereof; and in case no goods or chattels of the party or parties so offending can be found, or there shall not be goods or chattels sufficient to pay such penalties and forfeitures, any one or more of such justices of the peace shall, upon proof thereof made upon oath (which oath he and they is and are hereby impowered and required to administer) before him or them, by the person or persons who shall have the execution of such warrant or warrants, commit the party or parties offending to the common gaol of the county, riding, division, city, town, or place, where the offence shall be committed, there to remain without bail or mainprize for any time not exceeding three months, unless such penalties and forfeitures shall be sooner paid and satisfied; and all penalties and forfeitures aforesaid shall go and be applied, one moiety to the use of the informer or informers, and the other moiety to the use of the poor of the parish, town, or place, where such offence shall have been committed.

and recovery of the penalty.

For want of distress, the offenders to be committed.

Application of the penalties.

Persons aggrieved may appeal to the quarter-sessions;

Sect. 10. "Provided always, and be it further enacted by the authority aforesaid, That if any person shall think himself or herself aggrieved by any thing done in pursuance of this act, such person may appeal to the justices of the peace, at any general quarter-sessions of the peace to be held for the county or place wherein the cause of complaint shall arise; such appellant giving ten days notice in writing of his or her intention of bringing such appeal, to such justice or justices before whom he or she shall

shall have been convicted; and, within two days after such notice, entering into a recognizance before some justice of the peace for such county or place, with two sufficient sureties, conditioned, to try such appeal at such quarter-sessions; and the said justices, at the said sessions, upon due proof of such notice given as aforesaid, and of the entering into such recognizance, shall hear and finally determine the causes and matters of such appeal in a summary way, and award such costs to the parties appealing, or appealed against, as they the said justices shall think proper; and the determination of such quarter-sessions shall be final, binding, and conclusive, to all intents and purposes.

whose determination shall be final.

Sect. 11. "And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done by the authority of this act; and if it shall appear to have been so done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given, upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

General issue.

Treble costs.

Sect. 12. "Provided always, and be it further enacted, That nothing in this act contained shall extend, or be construed, deemed, or taken to extend, to abridge or take away any rights or privileges which the master, wardens, and assistants, of the company of frame-work knitters for the time being now have, or are intitled unto.

Reservation of rights to the frame-work knitters company.

Game.

STAT. 10 *Geo.* 3, *c.* 19, *intituled*, "An act for preservation of the game within that part of *Great Britain* called *England*."

"The preamble sets forth, That as the game hath lately been much destroyed, at improper seasons, in *England*; for remedying thereof, it is enacted, That after *June* 24, 1770, if any person wilfully take or kill any hare, pheasant, partridge, moor-game, heath-game, or grouse, in the night; or use any gun or engine for destroying such game as aforesaid, on conviction before a justice, for the first offence he shall be imprisoned not less than three calendar months: And if any person having been once convicted, shall afterwards be guilty of the like offence, he shall be committed

to the common gaol or houſe of correction, for not leſs than ſix calendar months; and ſhall, for each offence, be once publickly whipped in the town where ſuch gaol ſhall be.

After *June* 24, perſons, on a *Sunday*, taking or deſtroying game, or uſing a gun or other engine for killing ſuch, on conviction ſhall forfeit not leſs than twenty pounds: And in caſe the penalty be not forthwith paid, the ſame ſhall be levied by diſtreſs and ſale, with all coſts; and the forfeitures when paid ſhall be applied to the informer and the poor of the pariſh; and if no diſtreſs can be had, juſtices may commit the offender to the common gaol, for a time not leſs than three calendar months.

For ſpeedy conviction of offenders, juſtices, before whom perſons ſhall be convicted, ſhall cauſe the conviction to be drawn up in the following form; *viz.*

Be it remembered, That on the day of in the year of our Lord A. B. *is convicted before me* C. D. *one of his majeſty's juſtices of the peace for the county of* (ſpecifying the offence, and the time and place when and where the ſame was committed, as the caſe ſhall be.) *Given under my hand and ſeal the day and year aforeſaid.*

Perſons judging themſelves aggrieved by any thing in this act, may appeal to the next quarter-ſeſſions, within four days after the cauſe of complaint ſhall have ariſen; giving fourteen days notice to the perſons complained againſt; and, in two days after ſuch notice, entering into recognizance before ſome juſtice, with ſufficient ſureties, conditioned to try the appeal, abide the order, and pay coſts that may be awarded; and juſtices at quarter-ſeſſions, upon proof as aforeſaid, may hear and finally determine cauſes of appeal, and award ſuch coſts as they ſhall judge proper; which determination ſhall be final; and no order made touching conviction of offenders ſhall be quaſhed or removed by *certiorari*, &c. into any court of record.

Hackney-Coaches and Chairs.

STAT. 7 *Geo.* 3, *c.* 44, *made among other purpoſes*, "for explaining and amending ſeveral acts of parliament relating to hackney-coaches and chairs."

Sect. 9. "And whereas it hath been the practice of late for the owners of unlicenſed coaches to let the ſame out for hire, by way of job, by the day

day, or for leſs than a day, contrary to the true intent and meaning of an act made in the ninth year of the reign of her late majeſty queen *Anne*, intituled (*An act for licenſing and regulating hackney-coaches and chairs; and for charging certain new duties on ſtampt vellum, parchment, and paper, and on cards and dice, and on the exportation of rock ſalt for* Ireland; *and for ſecuring thereby, and by a weekly payment out of the poſt-office, and by ſeveral duties on hides and ſkins, a yearly fund of one hundred eighty-ſix thouſand ſix hundred and ſeventy pounds, for thirty-two years, to be applied to the ſatisfaction of ſuch orders as are therein mentioned, to the contributors of any ſum not exceeding two millions to be raiſed for carrying on the war, and other her majeſty's occaſions*) to the great prejudice of his majeſty's revenue, and of the licenſed hackney-coachmen: For remedy thereof, be it enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixty-ſeven, upon every information before the commiſſioners appointed, or to be appointed, for licenſing and regulating hackney-coaches and chairs, or the major part of them, againſt any perſon, for driving for hire, or letting to hire, any hackney-coach, contrary to the ſaid act made in the ninth year of her ſaid late majeſty's reign, although no expreſs hireing ſhall be proved; yet unleſs the party accuſed ſhall appear, and make proof to the ſaid commiſſioners, or the major part of them, that no money or other gratuity was made or paid, or agreed or intended to be made or paid, for the uſe of ſuch coach, the ſame ſhall be deemed and adjudged a driving for hire, or letting to hire, to all intents, conſtructions, and purpoſes whatſoever; and every perſon ſo offending ſhall, for every ſuch offence, incur ſuch and the like penalty as if ſuch money, or other gratuity, was actually proved to be made or paid, any ſtatute, bye-law, uſage, or cuſtom, to the contrary thereof notwithſtanding.

Act 9 Anne.

Hackney-coaches let out for hire, by way of a jobb, by the day, or for a leſs time, contrary to the recited act, are liable to a penalty.

Sect. 10. "And, for the better and more eaſily diſtinguiſhing ſuch coaches and other carriages as ſhall be entered at the head office of exciſe in *London*, purſuant to the act of parliament made in the twentieth year of the reign of his late majeſty king *George* the ſecond, and ſhall be let out to hire, from gentlemens coaches, and for making the owners and drivers thereof the more eaſily amenable to juſtice for any offences committed by them; be it further enacted by the authority aforeſaid, That every job-coach licenſed at the head office of exciſe in *London*, which ſhall be driven or let to hire on private contract, within the cities of *London* and *Weſtminſter*, or the ſuburbs thereof, or within the pariſhes and places compriſed within the weekly bills of mortality, for any time longer than one month, without having the exciſe number or mark fixed under the foot-board of every ſuch coach, the ſame ſhall be deemed and adjudged a coach driven or let to hire, contrary to the ſaid act made in the ninth year of the reign of queen *Anne*; and every perſon ſo letting or driving for hire as aforeſaid, ſhall incur and be liable to the like penalty as any perſon or perſons who ſhall drive or let to hire by the hour, day, or otherwiſe, any hackney-coach or coach-horſes within the cities of *London* and *Weſtminſter*, or ſuburbs of the ſame, or within the pariſhes and places compriſed

Licenſed jobb coaches driven or let out to hire, within the weekly bills, for a longer time than one month, without the exciſe mark under the foot-board, liable to a penalty.

priſed within the weekly bills of mortality, without leave or licence from the commiſſioners for regulating and licenſing hackney-coaches and chairs, are now by law liable unto.

Licenſed hackney-coaches plying for hire, liable to go, at ſeaſonable times, any where within ten miles from London or Weſtminſter.

Sect. 11. "And whereas a doubt has ariſen, whether licenſed hackney-coachmen plying for hire are compellable to carry fares any where within the diſtance of ten miles from the city of *London* or *Weſtminſter*; be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixty-ſeven, every coachman licenſed by the commiſſioners for regulating and licenſing hackney-coaches plying for hire within the city of *London* or *Weſtminſter*, ſhall be obliged and compellable, on every day of the week, at ſeaſonable times, to go any where within the diſtance of ten miles from the city of *London* or *Weſtminſter*; and in caſe of refuſal ſo to do, ſhall be liable to the like penalty and puniſhment as may by law now be inflicted, in caſes of refuſal to carry for hire by licenſed hackney-coachmen.

The following rates of fares allowed to be taken by licenſed hackney-chairs, within the weekly bills.

Sect. 12. "And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *Auguſt*, one thouſand ſeven hundred and ſixty-ſeven, every perſon who is or ſhall be licenſed by the ſaid commiſſioners, or the major part of them, to keep and uſe for hire any hackney-chair within the cities of *London* and *Weſtminſter*, and the ſuburbs thereof, and within all and every the pariſhes and places compriſed within the weekly bills of mortality, or any perſon legally acting under ſuch perſon, ſhall be intitled to, and may demand, receive, and take, for the hire of any ſuch hackney-chair, the rates and fares herein after mentioned; that is to ſay,

The fares.

For any diſtance not exceeding one mile, twelve-pence.

And for any diſtance being above one mile, and not exceeding one mile and four furlongs, one ſhilling and ſix-pence.

And for every further diſtance not exceeding four furlongs, ſix-pence.

And by the hour, eighteen-pence for the firſt hour, and ſix-pence for every half of an hour after.

The ſaid former acts herein before recited, or any ſtatute, bye-law, or cuſtom, to the contrary notwithſtanding.

The ſaid fares may be recovered, as thoſe ſettled by act 9 Anne.

Sect. 13. "And be it further enacted by the authority aforeſaid, That the ſaid ſeveral rates and fares for hire herein before mentioned, ſhall and may be recovered in the like manner as the fares ſettled by the ſaid act of the ninth year of the reign of her ſaid late majeſty queen *Anne*, are by law made recoverable.

Offenders liable to be committed by any of the laws relating to licenſing, &c. hackney-coaches and chairs, may be committed

Sect. 14. "And be it further enacted by the authority aforeſaid, That in every caſe where any perſon, for any of the offences mentioned in any law relating to the licenſing and regulating of hackney-coaches and chairs, ſhall be liable to be committed to priſon, it ſhall and may be lawful for the ſaid commiſſioners, or any three or more of them, either to commit ſuch offender to priſon, in like manner as by any former act of parliament they are authoriſed to do, and for any time the ſaid commiſſioners, or any three or more of them, ſhall think fit, not exceeding one month, or, by warrant

warrant under their hands and seals, to commit such offender to his majesty's workhouse of *Bridewell* in *London*, or some other house of correction, there to be kept to hard labour for any time at the discretion of the said commissioners, not exceeding one month; and also to receive the correction of the said house, if the said commissioners shall so think fit to order.

either to prison, or to Bridewell, and kept to hard labour; and receive the correction of the house.

Sect. 15. "And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty-seven, if any person who is or shall be duly licensed to let or drive for hire any hackney-coach, within the limits aforesaid, shall be guilty of misbehaviour in his employment, it shall and may be lawful for the said commissioners, or any three of them, either to revoke such coachman's licence, or to inflict a penalty not exceeding three pounds, upon conviction for every such offence, to be paid to the poor of the parish where such offence shall be committed; and if any person so convicted as aforesaid shall not be able, or shall refuse to pay the said sum, so to be imposed as aforesaid, he shall be committed to his majesty's workhouse of *Bridewell*, or some other house of correction, there to be kept to hard labour for the space of thirty days.

Hackney-coachmen misbehaving, their licence may be revoked; or they may be fined, not exceeding three pounds, to the poor of the parish, and if not paid, they may be committed to some house of correction, &c.

Sect. 16. "And be it further enacted by the authority aforesaid, That it shall and may be lawful for every or any licensed hackney-coachman, or his driver, to demand and take for his hire, the rate or sum of twelve shillings and six-pence for a day's work or hire, reckoning twelve hours to the day; any thing in the said recited act made in the ninth year of the reign of her late majesty queen *Anne*, to the contrary notwithstanding.

Fares of a hackney-coach for the day, twelve shillings and six-pence.

Sect. 17. "And be it further enacted by the authority aforesaid, That from and after the said first day of *August*, one thousand seven hundred and sixty-seven, every licensed hackney-coachman, or his driver, who shall drive with any hackney-coach on the Lord's day, shall be liable to do the like work, as well without the weekly bills of mortality as within the same, as such coachman, or his driver, is by this or any former act compellable or liable to do on any other day of the week.

Hackney-coaches liable to do the like work on Sundays, as on any other day of the week.

Sect. 18. "And be it further enacted by the authority aforesaid, That the several clauses in this present act, and in the several acts of parliament heretofore made and passed concerning hackney-coaches and chairs, as relates to the jurisdictions, powers, and authorities, of the commissioners for licensing and regulating hackney-coaches and chairs; and of justices of the peace; and to the rules, penalties, and forfeitures, orders, and directions, in the same acts, or any of them, mentioned; shall be, and are hereby, continued in full force and effect, for and during such further time as any other part of the said acts, relating to the licensing of hackney-coaches or chairs, shall be in force and have continuance.

Clauses in the present and former acts concerning hackney-coaches and chairs, relating to the jurisdiction of the commissioners and justices; and to the rules, penalties, and forfeitures, &c. continued.

Sect. 19.

Sect. 19. "And whereas it frequently happens, that many perſons have occaſion to inſpect the regiſter-books of carts, cars, and drays, required by law to be kept by the ſaid commiſſioners, in order for the more eaſy diſcovery and bringing to juſtice the offenders againſt the laws now in being relating to drivers of ſuch carts, cars, and drays: And whereas no directions are given by any of the ſaid laws for the ſaid commiſſioners, or their clerk keeping ſuch entry, to permit or ſuffer any perſon to inſpect the ſaid regiſter book, or to make or give out any copy of ſuch entry or entries; be it therefore further enacted by the authority aforeſaid, That all and every perſon or perſons, having reaſonable cauſe to inſpect ſuch regiſter-books of carts, cars, or drays, kept or to be hereafter kept by the ſaid commiſſioners, ſhall and may, and they are hereby authoriſed to inſpect the ſame; and the ſaid commiſſioners, or their clerks keeping ſuch regiſter, is, and are hereby directed and required, upon requeſt of any perſon or perſons having ſuch reaſonable cauſe to inſpect the ſame, to produce the regiſter-book or books of ſuch carts, cars, or drays, and to make and give to ſuch perſon or perſons a true copy or copies of ſuch entry or entries therein as ſhall be required; and the ſaid commiſſioners clerk is hereby authoriſed to demand and receive for every ſuch ſearch, and a copy of every ſuch entry, the ſum of four-pence, and no more; and the like ſum where only ſuch ſearch ſhall be made, although no copy of ſuch entry ſhall be required.

Perſons, having reaſonable cauſe, are authorized to inſpect the regiſter-books of carts, cars, and drays, and to take copies of the entries required,

paying four-pence.

Sect. 20. "And be it enacted, That no writ or writs of *certiorari* ſhall ſuperſede execution or other proceeding upon any order or orders made by the ſaid commiſſioners in purſuance of this act; but that execution and proceedings ſhall and may be had and made thereupon; any ſuch writ or writs, or allowance thereof, notwithſtanding.

No execution, or other proceeding of the commiſſioners, to be ſuperſeded by certiorari.

Sect. 21. "And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued or proſecuted for any thing by him or them done or executed in purſuance of this act, he or they ſhall or may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, for his and their defence; and if upon trial a verdict ſhall paſs for the defendant or defendants, or judgment ſhall be given againſt the plaintiff or plaintiffs, upon demurrer; or if the plaintiff or plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their action, after the defendant or defendants ſhall have appeared, then ſuch defendant and defendants ſhall have treble coſts to him or them awarded againſt ſuch plaintiff or plaintiffs, for which coſts he and they ſhall have ſuch remedy for recovery thereof, as any defendant or defendants hath or have in any other caſes where by law coſts are given to defendants.

General iſſue.

Treble coſts.

Stat. 10 *Geo.* 3, *c.* 44, *made, among other purpoſes*, "For explaining and amending ſeveral acts of parliament relating to hackney-coaches and chairs."

Sect. 4. "And as by a clauſe contained in an act 7 *Geo.* 3, intituled, *An act for altering the ſtamp duties upon policies of aſſurance; and for reducing the*

the allowance to be made in reſpect to the prompt payment of the ſtamp duties on licences for retailing beer, ale, and other exciſeable liquors; and for explaining and amending ſeveral acts of parliament relating to hackney-coaches and chairs; it was enacted, that every job-coach licenſed at the head office of exciſe in *London*, which ſhould be driven on private contract within the cities of *London* and *Weſtminſter*, or the ſuburbs, or within the bills of mortality, longer than the exciſe number or mark fixed under the foot-board of every ſuch coach, the ſame ſhould be adjudged a coach let to hire, contrary to the act 9 *Anne*; and the perſon ſo driving for hire is made liable to the like penalty, as any perſon who ſhould let to hire by the hour, day, or otherwiſe, any hackney-coach or coach-horſes, within the places therein mentioned, without licence from the commiſſioners for regulating and licenſing hackney-coaches and chairs, were then by law liable unto; And as many inconveniencies may ariſe from putting the ſaid clauſe ſtrictly into execution, it is enacted, That from *June* 24, 1770, the ſaid clauſe ſhall be repealed.

Sect. 5. "And as by another clauſe contained in the ſaid act 7 *Geo.* 3, it is enacted, That in every caſe where any perſon, for any of the offences mentioned in any law relating to the licenſing and regulating of hackney-coaches, *&c.* ſhall be liable to be committed to priſon, the commiſſioners may either commit ſuch offender to priſon in manner therein preſcribed, or, by warrant under their hands and ſeals, may commit ſuch offender to his majeſty's workhouſe of *Bridewell* in *London*, or ſome other houſe of correction, there to be kept to hard labour for any time, at the diſcretion of the commiſſioners, not exceeding one month; and alſo to receive the correction of the ſaid houſe, if the commiſſioners ſhall ſo think fit: And as a doubt has ariſen, whether the commiſſioners have a power, under the ſaid recited clauſe, to commit offenders to *Bridewell*, or any other houſe of correction, immediately upon ſuch offenders being convicted; which power would be very beneficial in many inſtances to the publick: It is therefore enacted, That after the paſſing of the act the commiſſioners, in all caſes where they may now, by law, commit any offender convicted before them to *Bridewell*, or any other houſe of correction, may commit ſuch offender, for ſuch offence whereof he ſhall be ſo convicted before them, by warrant under their hands and ſeals, immediately to *Bridewell* in *London*, or ſome other houſe of correction; there to be kept to hard labour for any time, at the diſcretion of the commiſſioners, not exceeding one month, and alſo to receive the correction of the ſaid houſe, if the commiſſioners ſhall ſo think fit to order.

Sect. 6. "After the paſſing this act, every perſon licenſed by the commiſſioners, or the major part of them, to carry a hackney-chair, who ſhall refuſe (being duly ſummoned for that purpoſe) to appear from time to time before the commiſſioners in perſon, or by his renter upon any complaint made, without ſome reaſonable excuſe to be approved of by the commiſſioners, ſhall, for every ſuch offence, forfeit the ſum of ten ſhillings: And if any ſuch perſon licenſed as aforeſaid ſhall neglect to appear, together with his renter, before the ſaid commiſſioners upon the third ſum-

mons, without ſuch reaſonable excuſe as aforeſaid; the ſaid commiſſioners, or the major part of them may hear and determine the ſaid complaint, notwithſtanding the abſence of the party offending, upon the oath of credible witneſſes, and impoſe upon ſuch licenſed perſon the penalty due to ſuch offence.

Sect. 7. "All the offences mentioned in the ſaid recited act, or the preſent act, may be heard and determined, and all the forfeitures thereby inflicted, may be recovered and levied, not only by the commiſſioners for licenſing hackney-coaches and chairs, but alſo by any juſtice, mayor, or other magiſtrate of the county or place where ſuch offence ſhall be committed, by ſuch means as the penalties and forfeitures, in the act 9 *Anne*, are directed to be levied.

Sect. 8. "And as great neglect hath been made in tranſmitting, to the receiver-general of the revenue ariſing by hackney-coaches and chairs, his majeſty's part of the penalties which have been levied by juſtices or other magiſtrates, in purſuance of the acts and bye-laws made relating to hackney-coaches and chairs; it is therefore enacted, That from *June* 24, 1770, his majeſty's part of all penalties which ſhall be levied by any juſtice of the peace, or other magiſtrate, in purſuance of this or any other act, or any of the bye-laws made relating to hackney-coaches and chairs, ſhall from time to time be tranſmitted by him or them to the receiver-general of the ſaid revenues ariſing by hackney-coaches and chairs, and alſo a certificate thereof to the ſaid commiſſioners, within ten days after the levying any ſuch penalty, upon pain of forfeiting ten pounds; one moiety thereof to the uſe of his majeſty, and his ſucceſſors, and the other moiety to him that will inform, or ſue for the ſame.

Sect. 9. "If any action ſhall be commenced againſt any perſon for any thing done in purſuance of the act, the defendant may plead the general iſſue, and give the act and the ſpecial matter in evidence at any trial to be had thereupon: And if afterwards a verdict ſhall paſs for the defendant, or the plaintiff ſhall diſcontinue his action, or be nonſuited, or judgment ſhall be given againſt him upon demurrer or otherwiſe; then ſuch defendant ſhall have treble coſts awarded to him againſt ſuch plaintiff.

Inclosures (pulling down.) See **Mines** (deſtroying.)

Juſtices of the Peace.

STAT. 7 *Geo.* 3. *c.* 9. [*intituled,*] "An act for obviating doubts which have ariſen with reſpect to ſo much of an act made in the firſt year of the reign of his preſent majeſty, intituled, *(An act to amend an act paſſed in*

the eighteenth year of the reign of king George *the ſecond, concerning the qualification of juſtices of the peace, and for other purpoſes therein mentioned)* as directs the taking of certain oaths by juſtices of the peace, on the iſſuing of any new commiſſion of the peace."

"Whereas doubts have ariſen, with reſpect to the conſtruction of ſo much of an act made in the firſt year of the reign of his preſent majeſty, intituled, *(An act to amend an act paſſed in the eighteenth year of the reign of king* George *the ſecond, concerning the qualification of juſtices of the peace, and for other purpoſes therein mentioned)* as relates to the taking of certain oaths by juſtices of the peace, on the iſſuing of new commiſſions of the peace; be it therefore enacted and declared by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all perſons who have been, or ſhall be, appointed juſtices of the peace, by any commiſſion or commiſſions granted or to be granted by his preſent majeſty, and have taken and ſubſcribed, or ſhall take and ſubſcribe, the oaths mentioned in the ſaid act made in the firſt year of his preſent majeſty's reign; and all perſons, who ſhall be appointed juſtices of the peace, by any commiſſion or commiſſions which ſhall be granted after his majeſty's demiſe, by any of his ſucceſſors, kings or queens of this realm, and ſhall have, after the iſſuing of the firſt commiſſion, whereby ſuch perſons ſhall be appointed juſtices of the peace, in the reign of any ſuch king or queen, taken and ſubſcribed the ſaid oaths, ſhall not be obliged, during the reign of his preſent majeſty, or during any future reign in which ſuch oaths ſhall have been ſo taken and ſubſcribed as aforeſaid, to take and ſubſcribe the ſame oaths, for or by reaſon of ſuch perſons being again appointed juſtices of the peace by any ſubſequent commiſſion or commiſſions which ſhall be granted during any ſuch reign; and ſhall not incur any penalty or forfeiture for the not taking or ſubſcribing the ſaid oaths.

Preamble, reciting act 1 Geo. 3.

Juſtices not obliged to take and ſubſcribe the oaths mentioned in the ſaid act more than once during his majeſty's reign, or the reign of any of his ſucceſſors.

Larceny.

STAT. 10 *Geo.* 3, *c.* 48, [*intituled*] "An act for making the receiving of ſtolen jewels, and gold and ſilver plate, in the caſe of burglary and highway robbery, more penal."

Sect. 1. Recites that as the facility with which ſtolen jewels, and gold and ſilver plate, are diſpoſed of, is one principal cauſe of the frequent commiſſion of burglaries and highway robberies; and the preſent laws

againſt the receiving of ſtolen goods, are found inſufficient to deter perſons from that practice: It is enacted, That every perſon who, from *June* 1, 1770, ſhall buy or receive any ſtolen jewel or jewels, or any ſtolen gold or ſilver plate, watch or watches, knowing the ſame to have been ſtolen, ſhall, in all caſes where ſuch jewel or jewels, or gold or ſilver plate, ſhall have been feloniouſly ſtolen, accompanied with a burglary actually committed in the ſtealing the ſame, or ſhall have have been feloniouſly taken by a robbery on the highway, be triable as well before conviction of the principal felon in ſuch felony, burglary, or robbery, whether he ſhall be in or out of cuſtody, as after his conviction: And if any perſon, ſo buying or receiving ſuch jewel or jewels, or gold or ſilver plate, ſhall be convicted thereof, he ſhall be adjudged guilty of felony, and be tranſported to ſome of his majeſty's plantations in *America* for fourteen years, according to the law in force for tranſportation of felons.

Leather.

STAT. 6 *Geo.* 3, *c.* 19, [*intituled*] "An act for the more effectual encouragement of the trade and manufacture of leather gloves and mitts in this kingdom.

Preamble. "Whereas, till of late years, great quantities of foreign kid and lamb-ſkin were lately imported into this kingdom, in order to be manufactured into gloves and mitts, to the great benefit of trade, and employment of the poor in the manufacture thereof: and whereas large quantities of foreign manufactured leather gloves and mits are clandeſtinely brought into this kingdom, whereby not only the revenue is defrauded, but many thouſands of his majeſty's ſubjects, employed in the manufacture of leather gloves and mitts, are deprived of the means of providing for themſelves and their families: And whereas the preventing the importation of ſuch foreign manufactured leather gloves and mitts, would tend to the increaſe of the trade and manufactures of this kingdom, and would alſo encourage the importation of foreign kid and lamb-ſkins: May it pleaſe your majeſty, that it may be enacted; and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any foreign manufactured leather gloves or mitts ſhall, from and after the twenty-fourth of *June*, one thouſand ſeven hundred and ſixty-ſix, be imported, brought, or conveyed into this kingdom, or any part of the *Britiſh* Dominions, the ſame ſhall be, and are hereby declared, to be forfeited, and ſhall be liable to be ſearched for and ſeized.

From and after June 24, 1766, all foreign manufactured leather gloves

seized by any officer or officers of the customs or excise, in like manner as other prohibited and uncustomed goods are and shall be disposed of as is herein after mentioned: And every person or persons who shall bring, convey, or import, or shall cause to be brought, conveyed, or imported, into this kingdom, or any part of the *British* dominions, any such leather gloves or mitts, or shall be aiding, abetting, or assisting therein; or, being a vender or venders, retailer or retailers, of any kind of leather gloves or mitts, in whose custody or possession any such foreign manufactured leather gloves or mitts shall be found; or who shall sell, or expose to sale, any such leather gloves or mitts; or who shall conceal any such leather gloves or mitts, with intent to prevent the forfeiture or seizure of the same; shall, over and above the forfeiture and loss of such leather gloves and mitts, and all interest which he, she, or they, may have therein, for every such offence, forfeit and pay the sum of two hundred pounds, together with double costs of suit.

or mitts brought into any part of the British dominions, are liable to forfeiture; and the importer, vender, retailer, exposer to sale, or concealer thereof, forfeit moreover 200 l. with double costs of suit.

Sect. 2. "Provided always, and be it further enacted by the authority aforesaid, That if any such leather gloves or mitts shall be found and seized in that part of *Great Britain* called *England*, out of the cities of *London* and *Westminster*, and the limits of the weekly bills of mortality, and the same shall not exceed in value the sum of twenty pounds, it shall and may be lawful for two or more of his majesty's justices of the peace for such county, city, borough, or place, where the same shall be found and seized, upon information before them that such leather gloves or mitts were seized as leather gloves or mitts unduly brought into and not manufactured within this kingdom, to hear and determine the same, and to proceed to condemnation or discharge thereof as shall seem just; any thing herein before contained to the contrary notwithstanding.

Any of the said goods seized in England, out of the cities of London and Westminster, and limits of the weekly bills of mortality, not exceeding 20 l. in value, may be proceeded against before, and determined by, two justices;

Sect. 3. "And be it further enacted by the authority aforesaid, That after condemnation thereof in due course of law, all and every such leather gloves and mitts shall be publickly sold, to the best advantage, for exportation, by the candle; and one moiety of the produce, or money arising by the sale of such leather gloves and mitts, shall be to the use of his majesty, his heirs, and successors, and the other moiety thereof to the use of the officer or officers who shall seize and secure the same: and no such leather gloves or mitts shall be consumed or used in this kingdom, but shall be exported again to some port or place not being any part of his majesty's dominions; and shall not be sold, otherwise than on condition to be exported as aforesaid: and such leather-gloves and mitts shall not be delivered out of the warehouse, or place wherein the same shall have been secured, until sufficient security be first given to the king's majesty, his heirs and successors; which the commissioners of his majesty's customs or excise are hereby impowered and required to take, that the same, and every part thereof, shall be exported as aforesaid, and not landed again in any part of his majesty's dominions;

if the goods are condemned, they are to be publickly sold, for exportation; and one moiety of the produce is to go to the king; and the other to the officer; and security is to be given for the due exportation thereof, before delivery of the same out of the warehouse where secured;

which is to be discharged upon a return of a certificate, or proof of such exportation.

minions; which securities shall be discharged without fee or reward, upon certificate returned under the common seal of the chief magistrate in any place or places beyond the seas, and out of his majesty's dominions, or under the hands and seals of two known *English* merchants upon such place, that the goods were there landed; or upon proof, by credible persons, that such goods were taken by enemies, or perished in the seas; the examination and proof thereof being left to the judgment of the said commissioners: which commissioners are hereby respectively impowered, from time to time, to call upon the person or persons who have entered into such security, to produce such certificate or proof as aforesaid.

In case of doubt whether such goods are of foreign manufacture, the onus probandi is to lie on the possessor;

Sect. 4. "And be it further enacted by the authority aforesaid, That if any such leather gloves or mitts shall be seized, by virtue and in pursuance of this act, and any doubt or question shall afterwards arise where the same were manufactured, the proof shall lie upon the person or persons in whose custody or possession the same were found, and not upon the prosecutor or prosecutors, plaintiff or plaintiffs; and in case no proof shall be given, that such leather gloves or mitts were manufactured within *Great Britain*, then the same shall, without any further proceeding, be taken and held to have been manufactured out of *Great Britain*, and contrary to, and in violation of, this act; any law or custom to the contrary notwithstanding.

and the possessor (not importing or concealing the same) but discovering the vender,

so as he may be prosecuted to conviction,

Sect. 5. "Provided always and be it further enacted, That if any person or persons, in whose custody or possession any such leather gloves or mitts shall be seized by virtue and in pursuance of this act (such person or persons not importing or concealing the same) shall discover, upon oath, before any one or more justice or justices of the peace, the person or persons who sold such leather gloves or mitts to such person or persons in whose custody or possession the same shall be seized, so as that such person or persons, so selling the same, shall or may be prosecuted and convicted, according to the intent of this act, as the seller thereof, in case the same shall be, or be taken and held to be, within the intent and meaning of this act, manufactured out of *Great Britain*, such person or persons, so discovering as aforesaid, shall be, and is and are hereby freed and discharged of and from all and every the penalties and forfeitures by this act inflicted upon all and every person and persons, being a vender or venders, retailer or retailers, having in his, her, or their custody or possession any such leather gloves or mitts not made or manufactured in *Great Britain*; and of and from any proof that the same, so seized as aforesaid, were manufactured in *Great Britain*.

is discharged from the penalty and forfeiture, and from giving proof as to the place of their manufacture.

Recovery of penalties and forfeitures;

Sect. 6. "And be it further enacted by the authority aforesaid, That all pecuniary penalties and forfeitures, by this act imposed, shall and may be sued for and recovered in any of his majesty's courts of record at *Westminster*, or in the court of *Exchequer* at *Edinburgh*, respectively, by action, bill, plaint, or information, in the name of his majesty's attorney-general, or in the name of his majesty's advocate in *Scotland*, or in the name or names of some officer or officers of the customs or excise; and that one moiety of every such penalty and forfeiture shall be to his majesty, his

and application thereof.

heirs,

heirs, and ſucceſſors, and the other moiety thereof to the officer or officers of the cuſtoms or exciſe, who ſhall inform and proſecute for the ſame.

Sect. 7. "Provided always, and it is hereby further enacted, That if any officer or officers of the cuſtoms or exciſe ſhall neglect or refuſe, for the ſpace of one calendar month after ſuch condemnation as aforeſaid, to proſecute to effect any perſon or perſons, for any pecuniary penalty or forfeiture by this act inflicted upon offenders againſt the ſame; that then it ſhall be lawful for any perſon or perſons whomſoever, to ſue for, proſecute, and recover, the reſpective pecuniary penalties and forfeitures by this act inflicted, in like manner as is herein before directed, with regard to the officers of the cuſtoms or exciſe; and one moiety of the ſaid pecuniary forfeitures, when recovered, ſhall, in ſuch caſe, go and be applied to the uſe of his majeſty, his heirs and ſucceſſors, and the other moiety to the perſon or perſons who ſhall ſue or proſecute for the ſame reſpectively.

Officer neglecting for one month to proſecute for any pecuniary penalty any other perſon may ſue for and recover the ſame.

Sect. 8. "Provided alſo, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be in any wiſe conſtrued to extend, to ſubject any perſon or perſons who ſhall wear, or make uſe of, ſuch leather gloves or mitts as aforeſaid, as part of his, her, or their apparel or dreſs only, to any forfeiture, or to any pecuniary penalty or penalties inflicted by this act, or to any proof that the ſame were manufactured within *Great Britain*.

The weavers of ſuch goods are not ſubject to any penalty, forfeiture, or proof, upon that account.

Sect. 9. "Provided always, and be it enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued or deemed to extend, in any wiſe to repeal any of the powers and authorities granted in and by an act made in the eleventh year of the reign of his late majeſty king *George* the firſt, intituled, *An act for the more effectual preventing frauds and abuſes in the publick revenues; for preventing frauds in the ſalt duties, and for giving relief for ſalt uſed in the curing of ſalmon and cod-fiſh, in the year one thouſand ſeven hundred and nineteen, exported from that part of* Great Britain *called* Scotland; *for enabling the inſurance companies to plead the general iſſue in actions brought againſt them; and for ſecuring the ſtamp duties upon policies of inſurance*; with regard to ſeizures of any prohibited or run goods, wares, merchandizes, or commodities.

This act does not extend to repeal any of the powers of the act of 11 Geo. 1, with regard to ſeizures of prohibited or run goods.

Sect. 10. "And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons, for any thing done in purſuance of this act, the defendant or defendants, in ſuch action or ſuit, may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon; and that the ſame was done by the authority of this act: And if it ſhall appear to have been ſo done, then the jury ſhall find for the defendant or defendants: and if the plaintiff ſhall be nonſuited, or diſcontinue his action after the defendant or defendants ſhall have appeared, or if judgment ſhall be given upon any verdict or demurrer againſt the plaintiff, the defendant or defendants ſhall recover treble coſts, and have the like remedy for the ſame as defendants have in other caſes by law.

General iſſue.

Treble coſts.

Sect. 11. "Provided always, and be it further enacted, That, in every ſuch action, it ſhall and may be lawful for the defendant or defendants, by

Defendant allowed, be-

fore iſſue joined, to pay money into court.

by leave of the court where ſuch action ſhall be depending, at any time before iſſue joined, to pay into court ſuch ſum of money as he or they ſhall ſee fit, as amends for the matter or cauſe complained of in ſuch action, whereupon ſuch proceedings, orders, and judgments, ſhall and may be had, made, and given, in and by ſuch court, as in other actions where the defendant is allowed to pay money into court.

Militia.

STAT. 7 *Geo.* 3, *c.* 17, *made, among other purpoſes,* "for the more effectually puniſhing ſerjeants, drummers, and fifers, for miſbehaviour and deſertion; for ſecuring deſerters from the militia regiments."

Sect. 19. "And whereas the ſeveral powers granted by the laws now in being, relating to the militia forces withing that part of *Great Britain* called *England*, for puniſhing ſerjeants, drummers, and fifers, for miſbehaviour, diſobedience of orders, or neglect of duty, during the time the militia to which they belong is not in actual ſervice, or is not called out to annual exerciſe, have been found defective and inſufficient; be it therefore enacted by the authority aforeſaid, That if any ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, engaged to ſerve in any regiment, battalion, or independant company of militia, within that part of *Great Britain* called *England*, and who ſhall have received pay therein at any time from and after the paſſing of this act, during his engagement to ſerve in any ſuch regiment, battalion, or independant company, and during the time the militia, to which he ſhall belong, is not in actual ſervice, or out at annual exerciſe, ſhall miſbehave, be negligent in his duty, or be diſobedient to the orders of the adjutant, or other his ſuperior officer, and be thereof convicted upon the oath of the adjutant, or other his ſuperior officer, or other credible witneſs, before a juſtice of the peace for the county, riding, or place, to the militia whereof ſuch ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, ſhall belong (which oath ſuch juſtice is hereby impowered and required to adminiſter;) ſuch ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, (over and above any penalty or puniſhment to which he ſhall be liable by any former law) ſhall be committed to the commol gaol of the county, riding or place, wherein ſuch offender ſhall be engaged to ſerve in the militia, there to remain without bail or mainprize for any time not exceeding ſix months.

Serjeants, drummers, and fifes,

guilty of miſbehaviour, neglect of duty, or diſobedience of orders, when the regiment, &c. is not in actual ſervice, or out on annual exerciſe, may (over and above the penalty he is ſubject to by former acts) be committed for ſix months.

Sect. 20. "And be it further enacted by the authority aforeſaid, That in caſe any ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, during

during the time the militia to which he ſhall belong is not in actual ſervice, or out at annual exerciſe, ſhall deſert from the regiment, battalion, or independant company, in which he ſhall be inrolled and engaged to ſerve; it ſhall and may be lawful to and for any headborough, conſtable, or tythingman, of the town or place where any perſon who may be reaſonably ſuſpected to be ſuch a deſerter ſhall be found, to apprehend, or cauſe him to be apprehended, and to cauſe ſuch perſon to be brought before any juſtice of the peace living in or near ſuch town or place, who hath hereby power to examine ſuch ſuſpected perſon; and if by his confeſſion, or the teſtimony of one or more witneſs or witneſſes, upon oath, or by the knowledge of ſuch juſtice, it ſhall appear or be found that ſuch ſuſpected perſon is ſuch a deſerter, ſuch juſtice ſhall forthwith cauſe him to be conveyed to the gaol of the county or place where he ſhall be found, or to the houſe of correction, or other publick priſon, in ſuch town or place where ſuch deſerter ſhall be apprehended; and tranſmit an account thereof to the ſecretary at war for the time being, to the end ſuch perſon may be proceeded againſt as is herein after directed; and the keeper of ſuch goal, houſe of correction, or priſon, ſhall receive the full ſubſiſtence of ſuch deſerter, during the time that he or they ſhall continue in his cuſtody, for the maintenance of the ſaid deſerter, but ſhall not be intitled to any fee or reward on account of his or their impriſonment; any law, uſage, or cuſtom, to the contrary notwithſtanding.

and deſerting at any ſuch time, may be apprehended, and committed;

of which an account is to be tranſmitted to the ſecretary at war, in order to proſecution, &c.

Keeper of the priſon to receive the ſubſiſtence money for his maintenance.

Sect. 21. "And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the ſecretary at war for the time being, upon receiving ſuch account as aforeſaid, if ſuch deſerter ſhall be taken out of the county to the militia whereof he or they ſhall belong, to iſſue out an order, under his hand and ſeal, to the gaoler or keeper of the priſon where ſuch deſerter ſhall be confined, requiring ſuch gaoler or keeper to deliver ſuch deſerter to the perſon or perſons therein named, which he is hereby required to do; and ſuch perſon or perſons ſhall thereupon convey ſuch deſerter in ſuch manner, and by ſuch means, as the ſecretary at war for the time being ſhall direct, before a juſtice of the county to the militia whereof ſuch deſerter ſhall belong, who ſhall forthwith cauſe him to be conveyed to the gaol, houſe of correction, or other publick priſon, within the ſaid county, to the end ſuch deſerter may be proceeded againſt as is herein after directed.

Priſoner to be delivered up to the order of the ſecretary at war;

and conveyed to a juſtice of the county, &c. in order to commitment;

Sect. 22. "And be it further enacted by the authority aforeſaid, That ſuch deſerter ſhall remain and be kept in ſuch gaol or priſon without bail or mainprize, until ſuch regiment, battalion, or independant company of militia, to which ſuch deſerter ſhall belong, ſhall be called out to annual exerciſe, or imbodied and called forth into actual ſervice, which ſhall firſt happen; and the officer then commanding ſuch regiment, battalion, or independant company, ſhall iſſue out an order under his hand and ſeal, to the gaoler or keeper of the priſon where ſuch deſerter ſhall be confined, requiring ſuch gaoler or keeper to deliver ſuch deſerter to the perſon or perſons therein named, which he is hereby required to do; and ſuch officer commanding ſuch regiment, battalion, or independant company, is hereby impower-

where he is to remain, till the regiment be called forth into ſervice or annual exerciſe; and he be demanded by his commanding officer, and a court mar-

tial held for his trial, &c.

ed and required to ſummon and hold a court-martial for the trial of ſuch deſerter, in ſuch manner and with the ſame power and authority as given and directed by the act for puniſhing mutiny and deſertion, and the better payment of the army and their quarters; and if upon ſuch trial ſuch deſerter ſhall be found guilty, it ſhall and may be lawful to puniſh him in ſuch manner as ſuch court-marſhal ſhall in their diſcretion think fit, agreeable to the powers and proviſion of the articles of war, and the ſaid act for puniſhing mutiny and deſertion, and the better payment of the army and their quarters.

And deſerting at the time of actual ſervice, or at annual exerciſe, and ſhall not be apprehended during ſuch time, he may be proceeded againſt as in the former caſe.

Sect. 23. "And be it further enacted by the authority aforeſaid, That if any ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, ſhall deſert, during the time the regiment, battalion, or independant company, in which he ſhall be inrolled and be engaged to ſerve, ſhall be in actual ſervice, or at annual exerciſe, and ſhall not be apprehended during ſuch time, ſuch deſerter ſhall and may be apprehended and proceeded againſt in the ſame manner as is herein before directed in the caſe of ſuch ſerjeant-major, ſerjeant, drum-major, drummer, or fifer, deſerting, during the time the militia to which he ſhall belong is not in actual ſervice, or out at annual exerciſe.

Perſons apprehending deſerters, intitled to twenty ſhillings reward, by warrant from the juſtice to the regimental clerk.

Sect. 24. "And, for the better encouragement of any perſon to apprehend and ſecure ſuch deſerters as aforeſaid, be it further enacted, That the juſtice of the peace before whom any ſuch deſerter ſhall be committed, [convicted] ſhall and may iſſue his warrant in writing to the clerks of the regiment, battalion, or independant company, to which ſuch deſerter ſhall belong, directing and requiring ſuch clerk to pay out of the ſtock belonging to ſuch regiment, battalion, or independant company, into the hands of ſuch perſon who ſhall apprehend any ſuch deſerter, the ſum of twenty ſhillings for every deſerter that ſhall be ſo apprehended and committed.

Penalty of concealing deſerters is five pounds,

to be levied as act 2 Geo. 3, directs.

Sect. 25. "Provided always, That if any perſon ſhall harbour, conceal, or aſſiſt, any ſuch deſerter, knowing him to be ſo, the perſon ſo offending ſhall forfeit, for every ſuch offence, the ſum of five pounds; to be levied and recovered in the ſame manner as any penalties or forfeitures are to be levied and recovered in and by an act of the ſecond year of his preſent majeſty, intituled, *An act to explain, amend, and reduce into one act of parliament, the ſeveral laws now in being relating to the raiſing and training of the militia within that part of* Great Britain *called* England.

STAT. 2 *Geo.* 3, *c.* 42. [*A. D.* 1768, *intituled*] "*An act for explaining, amending, and continuing an act made in the ſecond year of his preſent majeſty, intituled*, An act to explain, amend, and reduce into one act of parliament, the ſeveral laws now in being, relating to the raiſing and training the militia within that part of *Great Britain* called *England*."

Preamble.

Sect. 1. "Whereas a well regulated militia is of the utmoſt importance to the internal defence of this country; and whereas the laws now in force

for

for the training and regulating the militia, which are by experience found to be useful and beneficial, are near expiring: Be it therefore enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act passed in the second year of his present majesty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of* Great Britain *called* England, or so much of the said act as is now in force, and not herein or hereby repealed; and also an act passed in the fourth year of the said reign, intituled, *An act to explain and amend an act passed in the second year of the reign of his present majesty, intituled,* An act to explain, amend, and reduce into one act of parliament, the several laws now in being, relating to the raising and training the militia within that part of *Great Britain* called *England*, or so much of the said act as is now in force, and not herein or hereby repealed; and also so much of an act passed in the fifth year of the reign of his present majesty, intituled, *An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia in that part of* Great Britain *called* England *for one year, beginning the twenty-fifth day of* March, *one thousand seven hundred and sixty-five; and for punishing militia men neglecting their duty*, as is now in force, and not herein or hereby repealed; and also so much of an act passed in the fifth year of the reign of his present majesty, intituled, *An act to explain, amend, and enforce, the several laws now in being, relating to the raising and training the militia within that part of* Great Britain *called* England, as is now in force, and not herein or hereby repealed; and also so much of an act passed in the sixth year of his majesty's reign, intituled, *An act for applying the money granted in this session of parliament, for defraying the charge of the pay and cloathing of the militia of that part of* Great Britain *called* England, *for one year, beginning the twenty-fifth day of* March, *one thousand seven hundred and sixty-six; and for explaining, amending, and rendering more effectual several acts of parliament passed in the second, fourth, and fifth years of the reign of his present majesty, relating to the raising and training the militia within that part of* Great Britain *called* England, as is now in force; and not herein or hereby repealed; and also so much of an act made the seventh year of the reign of his present majesty, intituled, *An act for giving further time to his majesty's lieutenants, deputy-lieutenants, justices, and clerks of the peace, and others, for carrying into execution certain parts of an act passed in the last session, for pay and cloathing of the militia; and for indemnifying such lieutenants and clerks of the peace, and others, who have neglected to carry such parts of the said act into execution*, as may be now in force; and also so much of one other act, passed in the seventh year of the said reign, intituled, *An act for defraying the charge of the pay and cloathing of the militia in that part of* Great Britain *called* England, *for one year, beginning the twenty-fifth day of* March, *one thousand seven hundred and sixty-seven; for the more effectual punishing serjeants, drummers, and fifers, for misbehaviour and desertion, and for securing deserters from the militia regiments*;

So much of the several acts of 2 Geo. 3.

4 Geo. 3.

5 Geo. 3.

and another act of 5 G. 3.

6 Geo. 3.

7 Geo. 3.

and another of 7 Geo. 3, as are now respectively in force, and not hereby repealed;

ments; and for explaining and amending ſo much of an act paſſed in the laſt ſeſſion of parliament as relates to the inliſting militia-men into his majeſty's other forces, as is now in force, and not herein and hereby repealed, (all which acts, or parts or clauſes of acts, are now near expiring) ſhall be and are hereby made perpetual.

are made perpetual.

Sect. 2. "And whereas the qualifications of deputy-lieutenants and officers ſerving in the militia, directed and required in and by the act of the ſecond year of his preſent majeſty's reign, hath been found inconvenient and detrimental to the ſervice, by rendering it difficult to obtain a ſufficient number of deputy-lieutenants to act in the execution of the laws relating to the militia, and of ſubaltern officers to the ſeveral corps of militia now raiſed: and whereas it would be of great advantage to that ſervice, if the qualifications required by the ſaid act for deputy-lieutenants and ſubaltern officers were leſſened, and the qualifications required for the ſuperior officers were increaſed, ſo as thereby to give to the publick, on the whole, a greater ſecurity; be it therefore enacted, That ſo much of the ſaid act of the ſecond year of his preſent majeſty's reign, as requires and directs the qualification of deputy-lieutenants and officers ſerving in the militia, and the regiſter of ſuch qualifications, and the ſeveral matters and things relating thereto, ſhall be, and the ſame is hereby declared to be repealed.

Repeal of ſo much of act 2 Geo. 3, as reſpects the qualification of deputy-lieutenants and officers, and the regiſter of their qualifications.

Sect. 3. "And be it further enacted, That from and after the paſſing of this act, each perſon ſo to be appointed a deputy-lieutenant, ſhall be ſeiſed or poſſeſſed either in law or equity, for his own uſe and benefit, in poſſeſſion of a freehold, copyhold, or cuſtomary eſtate, for life, or for ſome greater eſtate, or of an eſtate for ſome long term of years, determinable in one or more life or lives, in manors, meſſuages, lands, tenements, or hereditaments, in *England*, *Wales*, or the town of *Berwick* upon *Tweed*, of the yearly value of two hundred pounds; or ſhall be heir-apparent of ſome perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of four hundred pounds: and each perſon ſo to be appointed a colonel, ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one thouſand pounds; or ſhall be heir-apparent to ſome perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of two thouſand pounds: and each perſon ſo to be appointed a lieutenant-colonel, ſhall be, in like manner, ſeiſed of a like eſtate, as aforeſaid, of the yearly value of ſix hundred pounds; or ſhall be heir-apparent of ſome perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one thouſand two hundred pounds: and each perſon ſo to be appointed a major, or a captain, ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of two hundred pounds; or ſhall be heir-apparent of ſome perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of four hundred pounds;

Qualification, upon the preſent eſtabliſhment, of a deputy-lieutenant,

colonel,

lieutenant-colonel,

major, or captain,

or

or ſhall be a younger ſon of ſome perſon who ſhall be, or at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of ſix hundred pounds: and that each perſon ſo to be appointed lieutenant, ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of fifty pounds; or ſhall be poſſeſſed of a perſonal eſtate alone to the amount of one thouſand pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together to the amount or value of two thouſand pounds; or ſhall be ſon of ſome perſon who ſhall be, or, at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of one hundred pounds; or who ſhall be, or who, at the time of his death, was, poſſeſſed of a perſonal eſtate alone to the amount of two thouſand pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together to the amount or value of three thouſand pounds: and that each perſon ſo to be appointed an enſign, ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of twenty pounds; or ſhall be poſſeſſed of a perſonal eſtate alone to the amount of five hundred pounds, or ſeiſed and poſſeſſed of real and perſonal eſtate together to the amount or value of one thouſand pounds; or ſhall be ſon of ſome perſon who ſhall be, or at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of fifty pounds; or who ſhall be, or who, at the time of his death, was, poſſeſſed of a perſonal eſtate alone to the amount of one thouſand pounds, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of one thouſand five hundred pounds: one moiety of which ſaid eſtates, required as qualifications for each deputy-lieutenant, colonel, lieutenant-colonel, major, or captain reſpectively, ſhall be ſituate or ariſing within ſuch reſpective county, riding, or diviſion, in which he ſhall be appointed to ſerve.

lieutenant,

and enſign.

One moiety of their eſtates required as qualifications, to be ſituate or ariſing within the county.

Sect. 4. "Provided always, and be it enacted, That, for the purpoſes of the reſpective qualifications required by this act, the immediate reverſion or remainder of and in manors, meſſuages, lands, tenements, or hereditaments, which are leaſed for one life, or for two or three lives, or for any term of years determinable upon the death of one life, or of two or three lives, on reſerved rents, and which are, to the leſſee or leſſees, of the clear yearly value of three hundred pounds, ſhall be deemed equal to an eſtate herein before deſcribed as a qualification of the yearly value of one hundred pounds, and ſo in proportion, be the ſaid qualification of a greater or leſs degree.

Qualifications equivalent to an eſtate of 100*l. per ann.* and ſo in proportion.

Sect. 5. "And be it enacted, That a perſon poſſeſſed, either in law or equity, for his own uſe and benefit, in poſſeſſion of an eſtate for a certain term, originally granted for twenty years, or more, of an annual value, over and above all rents and charges payable out of, or in reſpect of the ſame, equal to the value of ſuch an eſtate as is required for the qualification of a deputy-lieutenant and commiſſion officer of the militia reſpectively, and ſituate as aforeſaid, ſhall be, and is hereby deemed and declared to be, duly and ſufficiently qualified to act and ſerve under ſuch reſpective commiſſion.

Other equivalent qualifications for deputy-lieutenants and officers.

Sect.

Number of deputy-lieutenants, according to the new eſtabliſhment, for the counties of Cumberland, Huntingdon, Monmouth, Weſtmorland, Rutland, and Wales;

Qualification of a deputy-lieutenant for thoſe counties, of a colonel, lieutenant-colonel,

major, or captain,

lieutenant,

and enſign:

A moiety of their qualifications to be

Sect. 6. "And be it enacted, That in the ſeveral counties of *Cumberland*, *Huntingdon*, *Monmouth*, *Weſtmorland*, and *Rutland*, and of every county and place in the dominion of *Wales* reſpectively, there ſhall be five or more deputy-lieutenants appointed (if ſo many perſons qualified as herein after expreſſed can be therein found) and the eſtates requiſite for the qualification of the reſpective deputy-lieutenants and officers of the militia therein, ſhall be, as follows; that is to ſay, a deputy-lieutenant ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one hundred and fifty pounds; or ſhall be heir-apparent to a perſon, who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of three hundred pounds: a colonel ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of ſix hundred pounds; or ſhall be heir-apparent of a perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one thouſand two hundred pounds: a lieutenant-colonel, or major-commandant, ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of four hundred pounds; or ſhall be heir-apparent of a perſon who ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of eight hundred pounds: a major or captain ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one hundred and fifty pounds; or ſhall be ſon of a perſon who ſhall be, or, at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of three hundred pounds: a lieutenant ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of thirty pounds; or who ſhall be poſſeſſed of a perſonal eſtate alone, to the amount of ſix hundred pounds; or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of one thouſand two hundred pounds; or ſhall be the ſon of a perſon who ſhall be, or, at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of ſixty pounds; or who ſhall be, or who, at the time of his death, was, poſſeſſed of a perſonal eſtate alone, to the amount of one thouſand two hundred pounds; or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of two thouſand four hundred pounds: an enſign ſhall be, in like manner, ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of twenty pounds; or who ſhall be poſſeſſed of a perſonal eſtate alone, to the amount of three hundred pounds; or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of ſix hundred pounds; or ſhall be the ſon of a perſon who ſhall be, or, at the time of his death, was, in like manner, ſeiſed or poſſeſſed of a like eſtate as aforeſaid, of the yearly value of thirty pounds; or who ſhall be, or who, at the time of his death, was, poſſeſſed of a perſonal eſtate alone, to the amount of ſix hundred pounds; or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of one thouſand two hundred pounds: one half of all which reſpective eſtates (except thoſe for the qualifications of lieutenants and enſigns) ſhall be ſituate or ariſing within ſuch reſpective

count

county or riding in which such officers shall be respectively appointed to serve.

situate in or arising within their respective counties.

Sect. 7. "Provided always, That in such counties where twenty persons cannot be found qualified as aforesaid, and willing to act as deputy-lieutenants, it may and shall be lawful for his majesty's lieutenant of any such county, and he is hereby required, after having appointed so many persons as can be found qualified as aforesaid, to appoint such number of persons to be deputy-lieutenants as shall be requisite to make up the number twenty, who shall respectively be seised or possessed of a like estate of the yearly value of one hundred pounds, and situate as aforesaid; and every such person shall be, and is hereby deemed and declared to be, duly and sufficiently qualified to act and serve under such respective commissions.

Where twenty persons qualified and willing to act as deputy-lieutenants can't be found, the deficiency is to be made up of persons of an inferior qualification.

Sect. 8. "And be it enacted, That the estates requisite for the qualification of the deputy-lieutenants and officers of the militia in the isle of *Ely*, in the county of *Cambridge*, shall be as follows; a deputy-lieutenant shall be seised or possessed of a like estate, as aforesaid, of the yearly value of one hundred and fifty pounds; or shall be heir-apparent of some person who shall be, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of three hundred pounds: a captain shall be, in like manner, seised or possessed of a like estate as aforesaid, of the yearly value of one hundred pounds; or shall be heir-apparent of a person who shall be, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of two hundred pounds; or shall be a younger son of some person who shall be, or at the time of his death, was, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of three hundred pounds: a lieutenant shall be, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of thirty pounds; or shall be possessed of a personal estate to the amount of six hundred pounds; or shall be son of some person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of sixty pounds; or who shall be, or, at the time of his death, was, possessed of a personal estate to the amount of one thousand two hundred pounds: an ensign shall be, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of twenty pounds; or shall be possessed of a personal estate to the amount of three hundred pounds; or shall be the son of some person who shall be, or, at the time of his death, was, in like manner, seised or possessed of a like estate, as aforesaid, of the yearly value of thirty pounds; or who shall be, or, at the time of his death, was, possessed of a personal estate to the amount of six hundred pounds: one half of all which estates (except those for the qualifications of lieutenants and ensigns) shall be situate or rising within the said isle of *Ely*, or some other part of the county of *Cambridge*,

Qualification requisite for the isle of Ely and Cambridge, *viz.* for a deputy-lieutenant, captain, lieutenant, and ensign.

A moiety of the qualifications (except of lieutenants and ensigns) to be situate in Ely or Cambridge.

Number of deputy-lieutenants for ſuch cities and towns as are counties within themſelves; and by whom to be appointed.

Sect. 9. "And be it enacted, That in all cities or towns which are counties within themſelves, and have heretofore been empowered, by law or ancient uſage, to raiſe and train a ſeparate militia within their ſeveral precincts and liberties, and which are united with, and made part of, any county or counties for the purpoſe of raiſing the militia only; his majeſty's lieutenant of ſuch cities or towns, or, where there is no lieutenant appointed by his majeſty, the chief magiſtrate of ſuch city or town, ſhall appoint five or more deputy-lieutenants (if ſo many perſons qualified as is herein after expreſſed can therein be found) and ſhall alſo appoint officers of the militia, whoſe number and rank ſhall be proportionable to the number of militia-men which ſuch city or town ſhall raiſe as their *quota*, towards the militia of the county to which ſuch city or town is united for the purpoſes aforeſaid; the qualification of which officers reſpectively ſhall be as is herein after mentioned; and all powers and proviſions made by this act, with reſpect to counties at large, and the militia thereof, and the regiſtering the qualifications of deputy-lieutenants and officers, ſhall take place and be in force with reſpect to the ſaid cities and towns, and the militia thereof, and the regiſtering the ſaid qualifications: and the value of the reſpective qualifications of the deputy-lieutenants and officers of the militia of ſuch cities or towns ſhall be as follows; every deputy-lieutenant ſhall be ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of one hundred and fifty pounds; or ſhall be poſſeſſed of a perſonal eſtate alone, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of three thouſand pounds: and every field officer ſhall reſpectively be ſeiſed or poſſeſſed of a like eſtate, as aforeſaid, of the yearly value of three hundred pounds; or ſhall be poſſeſſed of a perſonal eſtate alone, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of five thouſand pounds: and the qualification of a captain ſhall be a like eſtate, as aforeſaid, of the yearly value of one hundred and fifty pounds, in manors, meſſuages, lands, tenements, hereditaments, or perſonal eſtate alone, or ſeiſed or poſſeſſed of real and perſonal eſtate together, to the amount or value of two thouſand five hundred pounds: and the qualification of a lieutenant ſhall be a like eſtate, as aforeſaid, of the yearly value of thirty pounds, in manors, meſſuages, lands, tenements, or hereditaments, or perſonal eſtate alone, to the amount or value of ſeven hundred and fifty pounds: and the qualification of an enſign ſhall be a like eſtate, as aforeſaid, of the yearly value of twenty pounds, in manors, meſſuages, lands, tenements, or hereditaments, or perſonal eſtate alone, to the amount or value of four hundred pounds; one half of all which real eſtates reſpectively (except thoſe for the qualification of lieutenants and enſigns) ſhall be ſituate or ariſing within ſuch city or town, or within the county at large to which ſuch city or town is united for the purpoſes aforeſaid.

Powers and proviſions of this act, with reſpect to counties at large, and the militia thereof, &c. extended to the ſaid cities and towns.

Qualification of the deputy-lieutenants thereof, and of the field-officers, captains, lieutenants, and enſigns.

A moiety of their qualifications (except of lieutenants and enſigns) to be ſituated in ſuch cities or towns, or the county at large.

Sect. 10. "And be it further enacted, That nothing herein contained in reſpect to the qualification of lieutenants and enſigns of the militia ſhall extend, or be conſtrued to extend, to ſuch perſon as ſhall be appointed an adjutant of any regiment or battalion of militia, and ſhall alſo be appointed a

Adjutants, tho' appointed lieutenants or enſigns, are ex-

lieutenant

lieutenant or enſign in ſuch regiment or battalion; but that it ſhall and may be lawful for his majeſty's lieutenant, in and for any county or place, to give to ſuch perſon appointed an adjutant, a commiſſion of a lieutenant, or an enſign, although ſuch perſon hath not the qualification for ſuch commiſſion as is herein directed and required.

cepted out of the general qualification.

Sect. 11. "Provided always, and be it enacted, That the ſeveral qualifications herein above directed, ſhall not extend, or be conſtrued to extend, to any perſon who is now actually ſerving as an officer in the militia of this kingdom; but that every ſuch perſon, being duly qualified, as in and by the former laws relating to the militia is directed and required, ſhall and may continue to ſerve in the militia of this kingdom, in ſuch rank only in which he now ſerves, although not qualified as herein before is directed.

The preſent qualifications not to extend to officers now actually ſerving in the militia;

Sect. 12. "And be it enacted, That the qualifications above directed to enable any perſon to be a deputy-lieutenant-colonel, lieutenant-colonel, major, captain, or lieutenant, ſhall not extend to ſuch commiſſions as ſhall be granted by his majeſty's conſtable of the *Tower*, or lieutenant of the *Tower Hamlets*.

nor to deputy-lieutenants and officers commiſſioned by the conſtable of the Tower, or lieutenant of the Tower Hamlets.

Sect. 13. "And be it enacted, That no deputy-lieutenant, or commiſſion-officer in the militia, who ſhall not have delivered in a qualification as required by any of the former acts relating to the militia, ſhall act as ſuch, until he ſhall have left with the clerk of the peace of the county, riding, diviſion, or place, in and for which he ſhall be ſo appointed, his qualifications, in writing, ſigned by himſelf; and ſuch clerk of the peace is hereby required to enter the ſame upon a roll to be kept for that purpoſe; and ſhall, in the month of *January* in every year, tranſmit to one of his majeſty's principal ſecretaries of ſtate, a compleat account of the qualifications ſo left, or to be left, with him; and the ſaid ſecretaries of ſtate, receiving ſuch accounts, ſhall cauſe copies thereof to be annually laid before both houſes of parliament: and every deputy-lieutenant and commiſſion-officer, not having already taken and ſubſcribed the oaths, and made, repeated, and ſubſcribed, the declaration as required by the former acts relating to the militia, ſhall, at ſome general quarter-ſeſſions, or in one of his majeſty's courts of record at *Weſtminſter*, within ſix months after he ſhall have accepted his commiſſion, take the oaths in and by an act paſſed in the firſt year of the reign of his majeſty king *George* the firſt, intituled, *An act for the further ſecurity of his majeſty's perſon and government, and the ſucceſſion of the crown in the heirs of the late princeſs* Sophia, *being proteſtants; and for extinguiſhing the hopes of the pretended prince of* Wales, *and his open and ſecret abettors*, and alſo the oath in and by an act paſſed in the ſixth year of the reign of his preſent majeſty, intituled, *An act for altering the oath of abjuration and the aſſurance, and for amending ſo much of an act of the ſeventh year of her late majeſty queen* Anne, intituled, *An act for the improvement and the union of the two kingdoms*, as, after the time therein limited, requires the delivery of certain liſts or copies therein mentioned to perſons indicted of high-treaſon, or miſpriſion of treaſon, ap-

Perſons who have not delivered in their qualifications purſuant to former acts, are diſqualified from acting till they comply.

Clerk of the peace to tranſmit to one of the ſecretaries of ſtate an annual account of the qualifications enrolled with him.

Copies to be laid before parliament.

Time limited for deputy-lieutenants and officers, who have omitted it, to take the oaths, &c.

Act 1 Geo. 1, and 6 Geo. 3.

pointed to be taken; and ſhall alſo make, repeat, and ſubſcribe, the declaration, in the ſaid act of the firſt of king *George* the firſt, directed to be made, repeated, and ſubſcribed, by all officers civil and military.

Two hundred pounds penalty on deputy-lieutenants, colonels, lieu. colonels, or majors acting, not being qualified; or not delivering in their qualification; or not taking the oaths, &c. and one hundred pounds on captains, lieutenants, and enſigns; to be recovered by action of debt, &c.

Sect. 14. "And be it enacted, That if any perſon ſhall execute any of the powers hereby conferred on deputy-lieutenants, colonels, lieutenant-colonels, or majors, not being qualified as aforeſaid; or ſhall not deliver in ſuch qualification; and take the oaths, and make, repeat, and ſubſcribe, the declaration aforeſaid, as is herein before required; every ſuch perſon ſhall forfeit and pay the ſum of two hundred pounds: and if any of the perſons ſhall execute any of the powers hereby conferred on captains, lieutenants, or enſigns, (not being qualified as aforeſaid) and ſhall not deliver in ſuch qualification, and take the oaths, and make, repeat, and ſubſcribe, the declaration aforeſaid, as is herein before required, every ſuch perſon ſhall forfeit and pay the ſum of one hundred pounds; ſuch ſeveral penalties to be recovered by action of debt, bill, plaint, or information, in any of his majeſty's courts of record at *Weſtminſter*, wherein no eſſoin, wager of law, or protection, or more than one imparlance, ſhall be allowed; one moiety whereof ſhall go to the uſe of the perſon who ſhall ſue for the ſame, and the other moiety to the uſes herein after directed.

Proof of qualification to lie on the perſon ſued.

Sect. 15. "And be it enacted, That in every action, ſuit, or information, brought againſt any perſon for acting as deputy-lieutenant, colonel, lieutenant-colonel, major, captain, lieutenant, or enſign, not being qualified as herein before is directed, the proof of his qualification ſhall lie upon the perſon againſt whom the ſame is brought.

Peers, or heirs apparent of peers, capable of being appointed deputy-lieutenants, or officers, without delivering their qualification; only taking the oaths, &c.

Sect. 16. "Provided always, and be it enacted, That nothing in this act contained ſhall extend, or be conſtrued to extend, to reſtrain his majeſty's lieutenant of any county, riding, diviſion, or place, from appointing any peer of this realm, or heir-apparent of any ſuch peer, to be a deputy-lieutenant, or a commiſſion officer in the militia, within the county, riding, diviſion, or place, wherein ſuch peer, or heir-apparent of ſuch peer, ſhall reſpectively have ſome place of reſidence; or to oblige any peer of this realm, or heir-apparent of ſuch peer (ſo appointed a deputy-lieutenant or commiſſion officer reſpectively) to leave with the clerk of the peace for the county, riding, diviſion, or place, for which he ſhall be appointed, any qualification in writing as aforeſaid; but it ſhall be lawful for every peer of this realm, or heir-apparent of ſuch peer, ſo appointed, and taking the oaths, and making, repeating, and ſubſcribing, the declaration aforeſaid, to act as a deputy-lieutenant or commiſſion officer reſpectively, although he ſhall not be ſeiſed or poſſeſſed of any ſuch eſtate in manors, meſſuages, lands, tenements, or hereditaments, as is required by this act.

Recital of clauſes in act 2 Geo. 3, and other acts.

Sect. 17. "And whereas by an act made in the ſecond year of his preſent majeſty's reign, intituled, *An act to explain, amend, and reduce into one act of parliament, the ſeveral laws now in being, relating to the raiſing and training the militia within that part of* Great Britain *called* England, *it is enacted*

enacted, That in all counties and places where the militia ſhall not have been raiſed in purſuance of the former act relating thereto, and where it ſhould not be raiſed in purſuance of the ſaid act, the ſum of five pounds ſhould be annually paid in lieu of every private man to be raiſed within the ſame; and that the juſtices of the peace, at the general quarter ſeſſions, ſhould rate and aſſeſs on ſuch county or place the ſaid ſum of five pounds *per* man, and levy and collect the ſame in the ſame manner, in all reſpects, as the county rates are, by an act of the twelfth year of the reign of his late majeſty king *George* the ſecond, or any other act or acts of parliament, to be raiſed, aſſeſſed, collected, levied, paid, and accounted for; and that the ſaid rates and ſums ſo raiſed, collected, and levied, ſhould be paid by the treaſurer of ſuch county to the receiver-general thereof, whoſe receipts ſhould be a ſufficient diſcharge for ſuch payment: and whereas by ſeveral other acts relating to the militia, paſſed in the fourth, fifth, and ſixth years of his preſent majeſty's reign, divers proviſions are made, and powers and directions are given, for raiſing the ſaid ſum of five pounds *per* man, within all ſuch counties and places wherein the militia had not been raiſed, or ſhould not be raiſed, and for enforcing the payment thereof: and whereas, notwithſtanding the directions contained in the ſaid ſeveral acts, ſeveral of the counties within that part of *Great Britain* called *England* have neither raiſed any militia, nor paid the ſaid five pounds *per* man *per annum*, according to the directions of the ſaid ſeveral acts; whereby they avoid contributing to the ſupport of government with ſuch counties as have raiſed and trained the militia in compliance with the directions of the ſaid act: and whereas it is juſt and reaſonable, that all his majeſty's ſubjects ſhould contribute equally to the ſupport of his majeſty's government, and the defence of theſe kingdoms: be it therefore enacted by the authority aforeſaid, That ſo much of the ſaid ſeveral in part recited acts as relates to the raiſing of the ſaid ſum and ſums of five pounds *per* man, within all ſuch counties and places wherein the militia hath not been raiſed, or ſhould not be raiſed, and to the enforcing the payment thereof, ſhall be, and the ſame is hereby declared to be, repealed.

Repeal of ſo much of the recited acts as relates to the raiſing five pounds per man, where the militia has not been raiſed, &c.

Sect. 18. "And be it enacted, That his majeſty's lieutenant, or three deputy-lieutenants, for every county or place within that part of *Great Britain* called *England*, where the militia has been or ſhall be raiſed, ſhall yearly, and every year, on or before the twenty-fifth day of *December*, certify to the clerk of the peace of every county or place reſpectively, that the militia of ſuch county or place hath been raiſed, and when, and at what time, the ſame was firſt raiſed, the names, number, and rank of officers, and the number of private men of the militia in the year when ſuch certificate is made, and the reſpective times of ſuch militia been trained and exerciſed in the year in which ſuch certificate is made; which certificate ſhall, by the clerk of the peace who ſhall receive the ſame, be delivered to the juſtices of the peace at their general quarter-ſeſſions to be held next after the twenty-fifth day of *December* in every year, on the day

Where the militia has been, or ſhall be raiſed, a yearly return thereof is to be certified by the lieutenants, &c. to the clerk of the peace; which is to be delivered by him to the next general quarter-ſeſ-

ſions, to be filed amongſt the records:

on which ſuch ſeſſions ſhall be opened, and ſhall file the ſame amongſt the records of ſuch ſeſſions, ſo that the true ſtate of the militia in each county may appear.

But where no ſuch return is made, the clerk of the peace is to certify ſuch omiſſion accordingly,

Sect. 19. "Provided always, and be it enacted, That in every county and place, wherein no ſuch certificate from his majeſty's lieutenant, or three deputy-lieutenants, ſhall be delivered to the clerk of the peace, as aforeſaid, that the clerk of the peace of every ſuch county or place ſhall, and is hereby required, at the general quarter-ſeſſions of the peace to be held next after the twenty-fifth day of *December* in every year, to certify under his hand and ſeal, to the juſtices of the peace ſo aſſembled at their ſaid general quarter-ſeſſions, on the day ſuch ſeſſions ſhall be opened, that he hath not received from his majeſty's lieutenant of the ſaid county or place, or any three deputy-lieutenants thereof, any ſuch certificate as is herein before directed to be by them made; and ſuch clerk of the peace is hereby directed to file ſuch certificate amongſt the records of ſuch ſeſſions.

and file the ſame.

Where the militia ſhall not be raiſed, five pounds per man is to be annually paid in lieu thereof; and ſo where no certificate is returned, the quarter-ſeſſions are to rate the county or place accordingly.

Sect. 20. "And be it enacted, That in all counties and places, where the militia ſhall not be raiſed, the ſum of five pounds ſhall be annually paid, for and in lieu of every private militia-man directed to be raiſed within the ſame; and that in every county and place where no ſuch certificate ſhall be made by his majeſty's lieutenant, or three deputy-lieutenants, in manner herein before directed, and the ſame ſhall be certified by the clerk of the peace as aforeſaid, the juſtices of the peace of every ſuch county or place ſhall, and they are hereby required, at their ſaid general quarter-ſeſſions of the peace to be held next after the twenty-fifth day of *December* in every year, to rate and aſſeſs the ſum of five pounds *per* man upon ſuch county or place, in ſuch and the ſame manner, and according to ſuch and the ſame proportions upon every town, pariſh, and place, within each reſpective county and place, and to be levied, collected, received, and paid, and to be accounted for in ſuch manner, and by ſuch means, with ſuch powers of diſtreſs, and other remedies for enforcing the collection and payment thereof, and for puniſhing all perſons whoſe duty it ſhall be to collect or account for the ſame, and ſhall make default therein, as the county rates have been uſually, or may, by an act made in the twelfth year of the reign of his late majeſty, intituled, *An act for the eaſy aſſeſſing, collecting, and levying of county rates*, or by any other act or acts of parliament, be aſſeſſed, collected, received, levied, paid, and accounted for, within the ſaid county.

Power of levying, &c. the ſame.

Officers who have ſerved four years; or who ſhall be actually ſerving; or ſhall offer to ſerve;

Sect. 21. "Provided always, That every perſon, being duly qualified according to the directions of this act, who ſhall have ſerved as an officer in any corps of militia raiſed within the kingdom for the ſpace of four years; or who ſhall be actually ſerving as an officer in any corps of militia; or who ſhall offer himſelf, by writing under his hand, in manner as in and by the ſaid in part recited act of the ſecond year of his preſent majeſty is directed and required, to ſerve as an officer in the militia of any county, riding, or place, where the militia hath not been raiſed, or ſhall not be raiſed, and ſhall be ready and willing to ſerve when required in any rank for-

for which he is duly qualified, ſhall not be liable to pay any part or ſhare of ſuch rate or aſſeſſment, for raiſing the ſum of five pounds *per* man, herein above directed to be raiſed; nor ſhall ſuch perſon, or any of his lands, tenements, and hereditaments, whereſoever ſituated, be aſſeſſed or charged thereto; and the deficiency thereby occaſioned, in raiſing the whole amount of ſuch ſum or ſums of five pounds *per* man on ſuch county, riding, or place, as is hereby directed and required to be raiſed, ſhall, in ſuch caſe, be allowed to ſuch county, riding, or place, by deducting the amount of the ſums which otherwiſe would have been charged and aſſeſſed on ſuch perſon or perſons having ſerved, or ſerving or offering to ſerve, as aforeſaid, or on his or their lands, tenements, or hereditaments, from the groſs amount of the ſum or ſums of five pounds *per* man herein before directed to be raiſed on ſuch county, riding, or place, which ſhall not have raiſed the militia, or which ſhall not continue to raiſe the militia, purſuant to the acts in this caſe made and provided.

are exempted from paying towards the ſaid rate, or being charged thereto.

Allowance to be made accordingly in the rates for ſuch perſons.

Sect. 22. "Provided always, and be it enacted, That every perſon who ſhall claim to have the benefit of ſuch exemption from ſuch rate and aſſeſſment, as aforeſaid, ſhall file a certificate, as herein after is mentioned, of ſuch ſervice, or of his having offered to ſerve, as the caſe may be, with the clerk of the peace for the county or place wherein ſuch perſon ſhall claim to have ſuch exemption; and ſhall alſo deliver in to ſuch clerk of the peace, from time to time, as may be neceſſary, a roll or liſt, ſigned by ſuch perſon claiming ſuch exemption, of his tenants and farmers, and the places of their abode; which certificate, and roll or liſt, every ſuch clerk of the peace ſhall, and he is hereby required forthwith to file amongſt the records of ſeſſion; and whenever any rate or aſſeſſment is or ſhall be ordered to be raiſed, levied, or collected, within any county or place for the purpoſes of raiſing the ſum of five pounds *per* man, as by this act is directed, ſuch clerk of the peace ſhall, and is hereby required to certify to the treaſurer or treaſurers, and high-conſtables, of every ſuch county or place, the names of all ſuch perſons who ſhall have ſo filed ſuch certificates, and claimed ſuch exemption, and the names of their tenants and farmers ſo inſerted in ſuch roll or liſt; and ſuch treaſurer or treaſurers, and high-conſtables, is and are hereby required to tranſmit ſuch certificate, and roll or liſt, to the petty-conſtable of each townſhip or place wherein the lands, tenements, or hereditaments, of ſuch perſon claiming to be exempted, are ſituate and lay; in order that ſuch perſon or perſons as are intitled thereto, and his and their lands, tenements, and hereditaments, ſhall not be aſſeſſed or charged to ſuch rate or aſſeſſment.

But perſons claiming ſuch exemption, are to file proper certificates with the clerk of the peace, and deliver in a roll of their tenants and farmers, which is to be filed; and on making the rates, the names of the ſaid perſons are to be certified to the treaſurer and high-conſtable, who are to tranſmit the certificate and roll to the petty-conſtable, accordingly.

that they may be exempted

Sect. 23. "And be it enacted, That every lieutenant of any county or place ſhall, and he is hereby required to give, without delay, unto every perſon who ſhall have ſerved as an officer in the militia for the term of four years, or who ſhall be actually ſerving as an officer in any corps of militia, and who ſhall requeſt the ſame, a certificate thereof, as the caſe may be, and as many certificates as ſuch perſon may deſire, in order to exempt him

Certificates of ſervice to be delivered to officers, in order to their exemption,

and

and alſo to thoſe qualified and offering to ſerve.

and his lands, tenements, and hereditaments, as aforeſaid; and every ſuch lieutenant, or every juſtice of the peace, chief magiſtrate, and other perſon or perſons, to whom any perſon or perſons ſo qualified, as aforeſaid, ſhall offer, as aforeſaid, to ſerve as an officer in the militia, ſhall, and he and they are hereby required to give, without delay, in like manner, a certificate thereof, or as many certificates thereof as ſhall be requiſite for the purpoſes aforeſaid.

The rates to be raiſed ſeparately from all other county rates.

Sect. 24. "Provided alſo, That the rates or aſſeſſments which ſhall be made in purſuance of this act, ſhall be made, aſſeſſed, levied, collected, received, and paid, ſeparately and diſtinctly from all the other rates aſſeſſed and raiſed upon and within the ſaid county; any thing in the ſaid act made in the twelfth year of his late majeſty's reign, or any other act or acts of parliament, or any cuſtom or uſuage to the contrary notwithſtanding.

How the parochial rates made on this occaſion are to be levied, &c.

Sect. 25. "And be it further enacted by the authority aforeſaid, That the ſeveral and reſpective parochial officers, or other perſons, who ſhall pay, or be liable to pay, the rates or aſſeſſments which ſhall be made and rated for the purpoſes of this act, upon any pariſh, town, and place, and alſo all ſuch parochial officers and perſons, upon whom any ſuch rate or aſſeſſment ſhall be levied, ſhall and may, from time to time, after notice ſhall be given of the amount of the rate or aſſeſſment upon ſuch town, pariſh, or place, either before the payment thereof by ſuch parochial officers or perſons, or after the ſame ſhall have been actually paid by, or levied upon, ſuch officers or perſons, rate and levy ſuch monies by a ſeparate and diſtinct rate and aſſeſſment upon every ſuch reſpective town, pariſh, or place, in ſuch manner and proportion, and with ſuch powers for recovery thereof, as any other county rate may be aſſeſſed or levied; and that every tenant or occupier of any houſe, land, tythe, tenement, or hereditament, who ſhall pay any rate or aſſeſſment to be made in purſuance of this act by ſuch reſpective parochial officers or perſons, within any ſuch towns, pariſhes or places, upon whom any ſuch rate or aſſeſſment ſhall be levied, ſhall and may deduct the ſame out of his or her rent, and ſhall be acquitted and diſcharged for ſo much money as ſuch rates or aſſeſſments ſhall, from time to time, amount unto, as fully and effectually, as if ſuch money had been actually paid to the perſon or perſons to whom ſuch rent is or ſhall be payable; and ſuch perſon or perſons is and are hereby required to allow, from time to time, ſuch deductions, upon receipt of the reſidue of the rent.

Tenants paying thereto, may deduct the ſame out of their rents;

except where there is a covenant to the contrary, or where the lands are not let to rack rent.

Sect. 26. "Provided always, That nothing herein before contained ſhall vacate any covenant or agreement between landlord and tenant; and that no landlord of any eſtate which ſhall not be let at a rack rent, ſhall be obliged or compellable to allow to any tenant any money which he or ſhe ſhall pay toward any rate which ſhall be made in purſuance of this act.

The penalty of five pounds per man, for not raiſing the

Sect. 27. "Provided always, and be it enacted, That in all caſes where a certain number of private militia-men are directed to be raiſed for any county together with any city or town being a county of itſelf, and the militia has not been, or ſhall not be raiſed for ſuch county, and city

or

or town; the payment of the ſaid ſum of five pounds *per* man, upon the whole number of private militia-men ſo directed to be raiſed as aforeſaid, ſhall be divided and apportioned between ſuch county and ſuch city or town being a county of itſelf, in ſuch proportion as the reſpective *quota*'s paid to the land-tax by the ſaid county, and by the ſaid city and town being a county of itſelf, bear to each other; unleſs the apportionment of the ſaid number of private militia-men ſhall actually have been made in purſuance of the liſts directed to be returned by the ſaid former acts, or by this preſent act; in which caſe the ſaid ſum of five pounds *per* man ſhall be borne by ſuch county, and by ſuch city or town being a county of itſelf, in ſuch proportion as the reſpective number of men ſo apportioned to be raiſed by ſuch county, and by ſuch city or town, bear to each other.

apportionment of the militia directed for any county with thoſe of any city or town being a county of itſelf, is to be paid according to their reſpective quota's to the land-tax; unleſs where the militia ſhall have been raiſed in the one place, and not in the other;

Sect. 28. "And whereas there are ſeveral cities, towns, and places, in many counties and ridings, which do not contribute to the payment of the ſaid rate called *The County-Rate*; by reaſon whereof doubts may ariſe, whether ſuch cities, towns, and places, can be legally rated or aſſeſſed towards the payment of the ſaid ſum and ſums of five pounds *per* man, in purſuance of the directions of this act: and whereas it is juſt and reaſonable that all ſuch cities, towns, and places, ſhould bear an equal ſhare and proportion of five pounds *per* man with each county, riding, or diviſion, within which ſuch cities, towns, and places, may happen to lie: be it therefore enacted, That in all caſes where the militia has not been raiſed, or ſhall not at any time hereafter be raiſed, for any county, riding, or diviſion, within which any city, town, or place, ſhall not be rated to the ſaid rate called *The County-Rate*, the payment of the ſaid ſum of five pounds *per* man upon the whole number of private militia-men directed to be raiſed within every county or place, ſhall be divided and apportioned between each reſpective county, riding, or diviſion, and each ſuch reſpective city, town, and place, within the ſame, as ſhall not contribute to the ſaid rate called *The County-Rate*, in ſuch proportion as the reſpective *quota*'s paid to the land-tax by each reſpective county, riding, or diviſion, and by each ſuch reſpective city, town, and place, bear to each other; and the reſpective ſum and ſums ſo aſcertained and apportioned, ſhall be raiſed by a ſeparate rate and aſſeſſment, to be made within each ſuch reſpective town and place, in like manner as the rates for the relief of the poor are made; to be levied and collected within each ſuch reſpective city, town, and place, not rated to the rate called *The County-Rate*, by ſuch ways and means, and with ſuch powers and regulations for levying, collecting, and keeping the ſame diſtinct, as are preſcribed in this act for ſuch reſpective county or place; and the church-wardens and overſeers of the poor of each ſuch reſpective city, town, and place, ſhall, from time to time, pay over the ſame to the treaſurer or treaſurers of every county or place within which any ſuch city, town, and place, as aforeſaid, lies; in order that the ſaid treaſurer or treaſurers may pay over the ſame to

and ſo with reſpect to counties, and ſuch cities, towns, and places, as are not rateable to the county rate, the penalty is to be apportioned between them in like manner; and to be raiſed by a ſeparate rate, as the poor's rate;

and to be paid over to the publick treaſurer,

and by him to the receiver-general.

to the receiver-general of the ſaid county or place, together with the proportion of the ſaid ſum of five pounds *per* man directed to be raiſed, levied, and paid, within each county or place by this act.

The like directions to be purſued in ſuch cities, towns, and places, as are counties in themſelves, and have no county-rate.

Sect. 29. "And be it further enacted, That in ſuch cities, towns, and places, as are counties of themſelves, and yet have no ſuch rate or aſſeſſment as is called *The County Rate*, nor any powers or directions for raiſing, levying, or collecting, the proportion of the ſaid ſum of five pounds *per* man, to be raiſed by the county to which the ſaid cities, towns, or places, are united for the purpoſes aforeſaid; the directions herein before given for raiſing, levying, and collecting, the proportion, and the ſaid ſum of five pounds *per* man, within ſuch cities, towns, and places, as do not contribute to the county-rate, ſhall be purſued and followed in all ſuch cities, towns, or places, as are counties of themſelves.

In towns lying in two counties, one to contribute their quota for that county only where their church ſtands.

Sect. 30. "And whereas in ſome parts of the kingdom there are towns which lie in two counties; and doubts may ariſe, whether ſuch towns are obliged to pay to both counties the ſum of five pounds in lieu of every private militia-man which ſhall not be raiſed by ſuch counties; be it therefore enacted, That where any town lies in two counties, it ſhall be lawful for the ſaid town to contribute their *quota*, for and in lieu of raiſing the militia, for that county only where the church of the ſaid town is ſituate; and the deficiencies of the rate, which the ſaid town would have paid, ſhall be made up by the county in general, and not by the diviſion or hundred where the ſaid town is ſituated.

Where any city, town, or place, not contributors to the county rate, ſhall not pay their quota by 1 June in any year, the juſtices, at their Midſummer ſeſſions, are to iſſue an order for certifying to the Michaelmas ſeſſion the reſpective quota's of each pariſh, &c. and to iſſue their warrants thereupon for levying the ſame on the churchwardens or overſeers,

Sect. 31. "And be it further enacted, That if any ſum or ſums of money which ought to be paid by any ſuch city, town, or place, not rated to the county-rate as aforeſaid, ſhall not be paid to the treaſurer of the reſpective county or place before the firſt day of *June* in every year, according to the true intent and meaning of this act; the juſtices of the peace for ſuch county or place in which ſuch city, town, or place, doth lie, ſhall, and they are hereby required at their next *Midſummer* quarter-ſeſſions, to iſſue out an order to the overſeers of the poor of each reſpective pariſh or place within ſuch city, town, and place, not rated to the county-rate as aforeſaid, requiring ſuch overſeers to certify and return to the ſaid juſtices at the next *Michaelmas* quarter-ſeſſions, the ſeveral *quota*'s that each pariſh or place (within ſuch city, town, or place, not paying to the county-rates, as aforeſaid) pays to the land-tax for that year; and ſuch overſeers of the poor are hereby required to make ſuch certificate and return accordingly; and upon ſuch certificate and return being made, the ſaid juſtices, ſo aſſembled at their *Michaelmas* quarter-ſeſſions, are hereby authorized and required (by their warrant, directed to any conſtable or tythingman within ſuch reſpective pariſhes and places) to cauſe the ſame to be levied by diſtreſs and ſale of the goods and chattles of any churchwarden or churchwardens, or any overſeer or overſeers of the poor of each and every pariſh or place within ſuch city, town, or place, not paying to the county-rate as aforeſaid, rendering the overplus (if any) to the owners of ſuch goods and chattles, after ſuch ſum or ſums of money, together with

with the reaſonable charges attending ſuch diſtreſs and ſale, ſhall be fully paid and ſatisfied; and ſuch churchwardens and overſeers of the poor ſhall be reimburſed the ſum and ſums of money ſo levied on them reſpectively, by the ſame ways and means as overſeers of the poor are reimburſed the money by them expended for the relief of the poor by any law now in being.

who are to be reimburſed as by a poor's rate.

Sect. 32. "Provided nevertheleſs, That if the militia ſhall be raiſed in the manner appointed by virtue of this act, in all or any of the ſaid counties and places, ſuch reſpective counties and places ſhall, during the time the militia are ſo raiſed, be exonerated, freed, and diſcharged from the payment of the ſaid ſums; and the aſſeſſments to be made in reſpect thereof ſhall, during ſuch time, be ſuſpended; any thing herein contained to the contrary notwithſtanding.

Where the militia ſhall be duly raiſed, the county is diſcharged from paying.

Sect. 33. "And it is hereby enacted, That in every county and place, wherein the ſum of five pounds *per* man ſhall have been aſſeſſed and raiſed in manner as is herein before directed, the juſtices of the peace of every ſuch county and place, ſhall, without delay, cauſe ſuch ſum and ſums of money to be paid to the receiver-general of the land-tax for ſuch county and place, in manner as herein after is directed and required; which ſaid ſum or ſums of five pounds *per* man, when paid as herein after is directed and required, ſhall be, and is hereby declared to be, in full diſcharge for the neglect and failure, for not having raiſed and trained the militia for ſuch county or place for the year then next preceding.

Where the penalty has been aſſeſſed and raiſed, the money is to be paid over forthwith to the receiver-general.

Sect. 34. "And it is hereby enacted, That the treaſurer or treaſurers for each ſuch reſpective county or place, who ſhall receive the ſaid ſum of five pounds *per* man, ſhall, and is and are hereby required to pay the ſame to the receiver-general of the land-tax for ſuch county or place, within one calendar month after he or they ſhall receive the ſame; and the reſpective receivers-general of the land-tax of each ſuch county or place, to whom ſuch money ſhall be paid, ſhall give a receipt for the ſame to the perſon paying ſuch money, whoſe receipt ſhall be a ſufficient diſcharge for ſuch payment; and ſhall, within ten days after the receipt of ſuch ſum and ſums of money, certify ſuch receipt to the lord high-treaſurer, or the lords commiſſioners of his majeſty's *Treaſury* for the time being; and ſhall forthwith pay the ſame into the receipt of his majeſty's *Exchequer* at *Weſtminſter*, and diſtinguiſh, upon every ſuch payment, the monies received by virtue of this act; and the monies ſo paid into the receipt of his majeſty's *Exchequer* ſhall be kept ſeparate and apart from all other monies, to be accounted for yearly, and every year, to parliament, and to be applied and diſpoſed of as parliament ſhall direct.

Treaſurers to pay over the monies received within a month to the receivers general, who are to have receipts for the ſame, and certify ſuch payments to the Treaſury, and pay the monies into the Exchequer.

Sect. 35. "Provided always, and be it further enacted by the authority aforeſaid, That no fee or gratuity whatſoever ſhall be given or paid, for or upon account of any warrant which ſhall be made out for any ſum of money which ſhall be paid into his majeſty's *Exchequer*, or iſſued in relation to or in purſuance of this act.

No fee to be paid thereupon at the Exchequer.

Sect. 36. "And be it enacted, That the commiſſioners of his majeſty's *Treaſury*, or the high-treaſurer for the time being, are hereby authorized

Receivers-general to be allowed 2 d. in

the pound upon clearing their accounts;

to allow to the ſaid receiver-general for ſuch county and place reſpectively, in *England*, *Wales*, and *Berwick upon Tweed*, upon the clearing of his accounts, a ſalary for his pains and trouble, in receiving and paying in the monies required to be received and paid by this act, not exceeding two pence in the pound for ſo much money as he ſhall pay into the *Exchequer* in purſuance of this act.

Treaſurers 1d.

Sect. 37. "And be it further enacted, That the treaſurer or treaſurers of every county or place, as a recompence and reward for his and their pains and trouble in collecting and receiving the ſums charged upon each pariſh or place in each reſpective county and place by virtue of this act, and for giving receipts to the perſon or perſons of whom they receive the ſame, and for paying the ſame to his majeſty's receiver-general, as herein before is directed, upon collection of the whole ſum appointed to be collected by them, and payment thereof, as aforeſaid, ſhall be allowed the ſum of one penny in the pound; which ſum every ſuch treaſurer and treaſurers is and are hereby impowered to detain, out of the monies received by him, before payment thereof to the receiver-general as aforeſaid: and that every high-conſtable, as a recompence for his trouble and pains in ſending out warrants and doing his duty therein, ſhall be allowed and paid, by ſuch treaſurer or treaſurers, the ſum of one penny in the pound; and that every petty-conſtable, churchwarden, overſeer of the poor, or other perſon employed in collecting the ſaid ſum or ſums hereby directed to be raiſed, on payment to the treaſurer or treaſurers of each county or place, of the whole ſum directed by them to be raiſed within each of their reſpective diviſions or places, ſhall be allowed and paid by ſuch treaſurer or treaſurers the like ſum of one penny in the pound, as a reward for their diligence, pains, and trouble.

High-conſtables 1 d.

and petty-conſtables, churchwardens, and overſeers, 1d. likewiſe.

Treaſurers to be reimburſed monies paid in advance by them, by aſſeſſment made at the next quarter ſeſſions, as for county-rates;

Sect. 38. "And be it further enacted, That in caſe the treaſurer or treaſurers of any county, riding, or diviſion, ſhall, at any time, be in advance in the payment of any ſum or ſums of money to the receiver-general of ſuch county, riding, or diviſion; the juſtices of the peace for ſuch county, riding, or diviſion, at their next general quarter-ſeſſions to be holden after any ſuch payment, ſhall, and they are hereby required to aſſeſs, and cauſe to be levied, a ſufficient ſum of money to reimburſe ſuch treaſurer or treaſurers all ſuch ſum or ſums of money as he or they ſhall have ſo paid; to be aſſeſſed, collected, and levied, in the ſame manner as other county-rates directed to be aſſeſſed, collected, and levied.

and ſo, with reſpect to cities and towns, &c. not contributory to county rates.

Sect. 39. "Provided always, and it is hereby enacted, That the juſtices of the peace for ſuch county, riding, or diviſion, at their ſaid general quarter-ſeſſions, ſhall, and they are hereby impowered to aſſeſs and levy, in manner as is herein before directed, on every city, town, and place, which is not contributory to, or doth not pay to, the county-rates of ſuch county, riding, or diviſion reſpectively, ſuch proportion of the money ſo paid by ſuch treaſurer or treaſurers, as is herein before directed and required to be raiſed and paid by ſuch city, town, and place.

Clerks of the peace to tranſmit yearly to

Sect. 40. "And be it further enacted by the authority aforeſaid, That ſuch clerks of the peace of each reſpective county or place ſhall, and they

are

are hereby required, within fourteen days next after the general quarter-seſſions of the peace to be held after the twenty-fifth day of *December* yearly, to tranſmit to the lord high-treaſurer, or to the commiſſioners of his majeſty's *Treaſury* for the time being, and alſo to the receiver-general of the land-tax for ſuch county or place, a copy, ſigned by ſuch clerk of the peace, of every certificate which ſhall have been delivered in purſuance of this act; and in caſe no ſuch certificate ſhall have been delivered in, then ſuch clerks of the peace ſhall certify to the lord high-treaſurer, or to the commiſſioners of his majeſty's *Treaſury*, and alſo to ſuch receiver-general, that no ſuch certificate from his majeſty's lieutenant, or any three deputy-lieutenants, hath been received by him, and that he hath certified the ſame to the juſtices of ſuch general quarter-ſeſſions, and thereon required ſuch juſtices to proceed according to the directions of this act; and ſhall alſo certify what proceedings have been had at ſuch general quarter-ſeſſions, in relation to the aſſeſſing and raiſing the ſaid ſum of five pounds *per* man where the militia ſhall not have been raiſed; and in caſe the juſtices of the peace, at ſuch general quarter-ſeſſions, ſhall omit, neglect, or refuſe, proceeding according to the directions of this act to raiſe the ſaid ſum of five pounds *per* man in every county, riding, or place, where the militia, ſhall not have been raiſed in the year preceding, then ſuch clerks of the peace of every ſuch reſpective county or place ſhall, and they are hereby required, within fourteen days next after ſuch general quarter-ſeſſions of the peace, to certify to the ſolicitor of the *Treaſury* the omiſſion, neglect, or refuſal (as the caſe may be) of ſuch juſtices to obey the orders and directions of this act, and the names of the juſtices of the peace who ſhall be preſent at ſuch ſeſſions; and the ſolicitor of the *Treaſury* aforeſaid is hereby directed and required, on receipt of ſuch certificate, forthwith to proceed by ſuch legal ways and means as may be requiſite, moſt effectual, and expeditious, to compel the juſtices of the peace of ſuch county or place, ſo omitting, neglecting, or refuſing to proceed by ſuch legal ways and means as may be requiſite, moſt effectual, and expeditious, to compel the juſtices of the peace of ſuch county or place, ſo omitting, neglecting, or refuſing to proceed according to the directions of this act, to raiſe the ſaid ſum of five pounds *per* man in ſuch county or place making default in raiſing the militia as aforeſaid, and to enforce the payment thereof, and due obedience to this act.

the Treaſury and receivers-general,

ſigned copies of the certificates delivered in purſuance of this act;

and to certify where none have been delivered,

and what proceedings have been had thereupon at the quarter-ſeſſions, relating to the aſſeſſing, &c.

the penalty for not raiſing the militia.

Solicitor of the Treaſury to proſecute where juſtices neglect their duty therein.

Sect. 41. "And, for the better executing this act, be it further enacted, That if the ſaid ſum of five pounds *per* man, to be paid as aforeſaid in ſuch counties and places where the militia ſhall not be raiſed, ſhall not be levied, collected, and paid, into his majeſty's *Exchequer*, in manner as herein before directed; or if any perſon or perſons ſhall refuſe, neglect, or omit, to pay his or their proportion thereof, or to perform his or their duty therein, for raiſing and payment of the ſame; then, and in every ſuch caſe, every treaſurer, high conſtable, and petty-conſtable, or other perſon, to whom any ſuch default of payment, refuſal, neglect, or omiſſion, ſhall be made, ſhall, and he is hereby required, within fourteen days after ſuch default of payment, refuſal, neglect, or omiſſion, to him or them made,

Where the penalty ſhall not be duly paid into the Exchequer; or any perſon ſhall refuſe payment of his quota, &c.

the ſame is to be certified to the clerk of the peace;

made, to certify the same in writing, signed by him or them respectively, with the reason or cause thereof, unto the clerk of the peace of every such county or place wherein the same shall happen; and then, and in every such case, every such clerk of the peace shall, and he is hereby required, within fourteen days after, to certify the same to the solicitor of the *Treasury*; and, in failure thereof, every such clerk of the peace shall, for every such offence, forfeit and pay the sum of two hundred pounds, to any person who shall sue for the same in any of his majesty's courts of record at *Westminster*, or the courts of great session in the principality of *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*; wherein no essoin, protection, wager of law, nor more than one imparlance shall be allowed; and shall also forfeit his office, and shall be rendered incapable of having, receiving, or holding, any office of trust, civil or military, under the government; and the solicitor of the *Treasury*, on the receipt of such certificate, is hereby directed and required forthwith to proceed, by all such legal ways and means as may be requisite and most effectual, to compel the payment of such sum and sums of money, and also to compel such persons as shall so refuse, neglect, or omit, to perform his or their duty, as aforesaid, to act in obedience to, and in pursuance of, the direction of this act, and to carry the same into full and compleat execution,

and by him to the solicitor of the Treasury;

on penalty of 200l.

and forfeiting his office, and being incapacitated.

Solicitor of the Treasury to compel payments, &c.

Clerk of the peace neglecting his duty forfeits 500l.

Sect. 42. "And be it enacted, That if any clerk of the peace shall refuse or neglect to receive, deliver, file, make record, or transmit such certificates, as aforesaid, or any of them, according to the true intent and meaning of this act, every such clerk of the peace, so offending, shall, for every such offence, forfeit and pay the sum of five hundred pounds, to any person who shall inform or sue for the same in any of his majesty's courts of record at *Westminster*, or the courts of great session in the principality of *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*, wherein no essoin, protection, wager of law, nor more than one imparlance shall be allowed; and shall also forfeit his office, and shall be rendered incapable of having, receiving, or holding, any office of trust, civil or military, under the government.

and his office, and is incapacitated.

Receiver-general neglecting his duty, forfeits 200l.

Sect. 43. "And it is enacted, That if any receiver-general, or treasurer, shall wilfully omit, neglect, or refuse to do any such act or acts as are required to be done by him or them for the better or more effectual carrying this act into execution; every such receiver-general or treasurer, so offending, shall, for every such offence, forfeit and pay the sum of two hundred pounds, to any person who shall inform or sue for the same in any of his majesty's courts of record at *Westminster*, or the courts of great sessions in the principality of *Wales*, or the courts of the counties palatine of *Chester*, *Lancaster*, and *Durham*, wherein no essoin, protection, wager of law, nor more than one imparlance, shall be allowed.

Chief constable neglecting his duty, forfeits 50l.

Sect. 44. "And be it enacted, That if any chief constable shall wilfully omit, neglect, or refuse, to do any such act or acts as are required to be done by him for the better and more effectual carrying this act into execution, every such chief-constable so offending shall, for every such offence, forfeit

1.

forfeit and pay, to any perſon who will inform or ſue for the ſame, the ſum of fifty pounds; and every petty-conſtable and other perſon who ſhall in like manner offend, ſhall for every ſuch offence, in like manner, forfeit and pay the ſum of twenty pounds; to be recovered and levied in manner herein after mentioned and directed.

and petty conſtable 20l.

Sect. 45. "And be it enacted, That all fines, penalties, and forfeitures, by this act impoſed, the manner of recovery whereof is not in this act particularly provided for, ſhall, on proof upon oath of offence before any juſtice of the peace of the county or place where the offence ſhall be committed, be levied by diſtreſs and ſale of the offender's goods and chattles, by warrant under the hand and ſeal of ſuch juſtice, rendering the overplus (if any) on demand, after deducting the charges of ſuch diſtreſs and ſale, to the offender upon whom ſuch diſtreſs ſhall have been made; and where the goods and chattles of ſuch offender ſhall not be ſufficient to anſwer ſuch diſtreſs, ſuch juſtice is hereby required to commit ſuch offender to the common gaol of the county or place where the offence ſhall have been committed, for any time not exceeding three months.

Recovery of fines, penalties, and forfeitures, where not otherwiſe directed.

Sect. 46. "And be it further enacted, That the ſolicitor to the lord high-treaſurer, or to the commiſſioners of his majeſty's *Treaſury* for the time being, ſhall, and is hereby directed and required, with all due diligence, to proſecute with effect all ſuch juſtices of the peace, receivers-general, treaſurers, and other perſons, who ſhall omit, neglect, or refuſe, to perform their duty as aforeſaid, to carry this act into execution; and to raiſe the ſaid ſum of five pounds *per* man in every ſuch county or place where the militia ſhall not have been raiſed, or ſhall not continue to be raiſed, according to the true intent and meaning of this act; and cauſe the ſame to be paid into his majeſty's court of *Exchequer*, as herein before directed and required: and if the ſolicitor to the lord-high-treaſurer, or to the commiſſioners of his majeſty's *Treaſury* for the time being, ſhall wilfully omit, neglect, or refuſe, to proceed againſt ſuch juſtices of the peace, receivers-general, treaſurers, or other perſons, or ſhall wilfully delay to proceed, or ſhall not proſecute with all due diligence and expedition; then ſuch ſolicitor of the *Treaſury* ſo offending ſhall, for every ſuch offence, forfeit and pay the ſum of five hundred pounds, to any perſon who ſhall inform or ſue for the ſame in any of his majeſty's courts of record at *Weſtminſter*, or the courts of great-ſeſſions in the principality of *Wales*, or the courts of the counties palatine of *Cheſter*, *Lancaſter*, and *Durham*, wherein no eſſoin, protection, wager of law, nor more than one imparlance, ſhall be allowed; and ſhall alſo forfeit his office, and ſhall be rendered incapable of having, receiving, or holding, ſuch office for the future, or any other place or office of truſt, civil or military, under the government.

Solicitor of the Treaſury to proſecute, with diligence, juſtices, receivers-general, treaſurers, and others, neglecting their duty;

on penalty of 500l. for any wilful neglect;

and forfeiture of his office, and being incapacitated.

Sect. 47. "And be it enacted, That in all counties, ridings, and places where the militia has not been raiſed, his majeſty's lieutenant for every ſuch county and place, together with any two or more deputy-lieutenants; and on the removal, or, in the abſence of his majeſty's lieutenant, any three or more deputy-lieutenants, ſhall meet at ſome city or principal town of the county or place for which they ſhall be commiſſioned, on the ſecond

Where the militia has not been raiſed, an annual meeting is to be held of lieutenants and deputy-lieutenants.

on the second Tuesday in March; and on default of such meeting, a general meeting is to be summoned for carrying this act into execution.

second *Tuesday* in *March* in every year; and if there should happen to be no such meeting on that day, then his majesty's said lieutenant, or, on his death, or removal, or in his absence, any three or more deputy lieutenants, shall and may, from time to time, as may be necessary and requisite for carrying this act into execution, or any of the purposes hereof, summon, or cause to be summoned, a general meeting, to be holden at the same city or principal town on a day to be fixed by such summons; of which day and place notice shall be given in some weekly paper usually circulated (if any such there be) within the same county or place, seven days, at least, before the holding of such meeting.

Persons serving in the regular forces, offering to serve and be inrolled as substitutes in the militia; and persons inrolled and serving in the militia, offering to serve or be inrolled as substitutes in another corps, forfeit 10 l. and for want of distress may be committed.

Sect. 48. "And be it further enacted, That if any person actually serving in any of his majesty's regular forces, shall offer himself to serve and be inrolled as a substitute in any regiment or battalion of militia; or if any person actually inrolled and serving in any regiment or battalion of militia, shall offer himself to serve and be inrolled as a substitute in any other regiment or battalion of militia; then every such person so offending shall, for every such offence, on proof thereof upon oath before any justice of the peace of the county or place where the offence shall be committed, forfeit and pay, to any person who will inform or sue for the same, the sum of ten pounds; to be levied by distress and sale of the offender's goods and chattles, by warrant under the hand and seal of such justice, rendering the overplus (if any) on demand, after deducting the charges of such distress and sale, to the offender upon whom such distress shall have been made; and where the goods and chattles of such offender shall not be sufficient to answer such distress, such justice is hereby required to commit such offender to the common gaol of the county or place where the offence shall have been committed, for any time not exceeding three months.

This act not to annul any thing done in pursuance of the former acts, &c.

Sect. 49. "And be it enacted, That nothing in this act contained shall in any wise extend to annul, or make void, any thing already done in pursuance of the former acts relating to the militia forces, or any of them; or to prevent the compleating any proceedings already commenced in pursuance of the said acts.

Limitation of actions.

Sect. 50. "Provided always, and be it enacted, That if any suit or suits, action or actions, shall be brought or commenced against any person or persons for any thing done in pursuance of this act, the action or actions, suit or suits, shall be commenced within six calendar months after the fact committed, and not afterwards, and shall be laid in the county where such action or actions, suit or suits, did arise, and not elsewhere; and the defendant or defendants in such suit or suits, action or actions, to be brought, may plead the general issue, and give this act, and the special matter, in evidence: and if the jury shall find for the defendant or defendants in such suit or suits, action or actions; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their suit or suits, action or actions, after the defendant or defendants shall have appeared; or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs; the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant or defendants hath or have in other cases to recover costs by law.

General issue.

Treble costs.

Sect. 51. "And be it further enacted by the authority aforeſaid, That the part of the return which gives an account of the number of officers preſent during the time of exerciſe ſhall be in the form following; (*to wit*,) Form of the return of officers preſent at the time of exerciſe.

	N° of Days.		N° of Days.
Colonel		*Fourth Lieutenant*	
Lieutenant Colonel		*Fifth Lieutenant*	
Major		*Sixth Lieutenant*	
Firſt Captain		*Seventh Lieutenant*	
Second Captain		*Eighth Lieutenant*	
Third Captain		*Ninth Lieutenant*	
Fourth Captain		*Tenth Lieutenant*	
Fifth Captain		*Firſt Enſign*	
Sixth Captain		*Second Enſign*	
Seventh Captain		*Third Enſign*	
Eighth Captain		*Fourth Enſign*	
Ninth Captain		*Fifth Enſign*	
Tenth Captain		*Sixth Enſign*	
Captain Lieutenant		*Seventh Enſign*	
Firſt Lieutenant		*Eighth Enſign*	
Second Lieutenant		*Ninth Enſign*	
Third Lieutenant		*Tenth Enſign*	

Sect. 52. "And whereas by an act paſſed in the ſixth year of the reign of his preſent majeſty, compleat returns of the ſeveral officers, non-commiſſioned officers, and private men, who were actually inrolled and did ſerve in any regiment, battalion, and independant company, at the time the ſame were exerciſed, ſigned by the commanding-officer of ſuch regiment, battalion, and independant company, are directed to be tranſmitted to one of his majeſty's principal ſecretaries of ſtate; be it further enacted by the authority aforeſaid, That every ſuch commanding officer ſhall, in ſuch return, ſpecify the number of days on which each of the commiſſioned officers was preſent during the time of the annual exerciſe; and that the ſaid ſecretaries of ſtate, receiving ſuch return, ſhall cauſe copies thereof to be annually laid before both houſes of parliament. In the returns to be made, purſuant to act 6 Geo. 3, of officers and men inrolled and ſerving in any regiment, &c. the number of days each officer was preſent at the annual exerciſe is to be ſpecified, and laid before the parliament.

STAT. 10 *Geo.* 3, *c.* 9, [*intituled*] "An act for defraying the charge of the pay and cloathing of the militia in that part of *Great Britain* called *England*, for one year, beginning the 25th day of *March*, 1770."

Sect. 1. "In order that proviſion be made for defraying the charge of pay and cloathing for the militia for one year, from the 25th of *March*, 1770, it is enacted, That in every county, riding, or place, in *England*, where the militia is or ſhall be raiſed, the receiver-general of the land-tax ſhall iſſue and pay the whole ſums required, in the manner, and for the ſeveral uſes, herein after mentioned; *viz.* For the pay of the ſaid militia for four calendar months in advance, at the rate of 6*s.* a day for each adjutant, where an adjutant is appointed; and 1*s.* for each ſerjeant,

with the addition of 2*s.* 6*d.* a week for each ſerjeant-major, where a ſerjeant-major is appointed; 6*d.* a day for each drummer, with the addition of 6*d.* a day for each drum-major, where a drum-major is appointed; and alſo 6*d.* a month for each private man and drummer; for defraying the contingent expences of each regiment, battalion, or independant company; 1*d.* whereof ſhall be applied to defraying the hoſpital expences of each regiment, *&c.* during the time the men ſhall be from home upon account of their annual exerciſe; and alſo for half a year's ſalary, for the clerk of each regiment or battalion, at the rate of 50*l.* a year; and to the clerk of the general meetings, at the rate of 5*l.* 5*s.* for each meeting; and to the ſeveral clerks of the ſubdiviſion-meetings, at the rate of 1*l.* 1*s.* for each meeting; and for the cloathing of the militia, after the rate of 3*l.* 10*s.* for each ſerjeant, and 2*l.* for each drummer, with the addition of 1*l.* for each ſerjeant-major, and each drum-major; and with reſpect to the private militia men, where the militia hath not been cloathed within three years, at the rate of 1*l.* 10*s.* for each private man.

Sect. 2. "Where pay has not been yet iſſued, no pay ſhall be iſſued, until his majeſty's lieutenant, or in his abſence, or in caſe of a vacancy by his death or removal, any three deputy-lieutenants, of the county, riding, or place, ſhall have certified to the commiſſioners of the *Treaſury*, and to the receiver-general of the land-tax, that three fifths of the number of private men have been inrolled, and that three-fifths of the proportion of their commiſſion-officers have accepted their commiſſions, and entered their qualifications as by law required.

Sect. 3. "All ſuch ſums of money aforeſaid, except ſuch as ſhall be due to the ſeveral clerks of meetings, ſhall, where the militia has never been embodied, be paid by the receiver-general of the land-tax into the hands of the clerk of the regiment or battalion belonging to ſuch county, *&c.* upon producing the warrant of his appointment to ſuch office, under the hand and ſeal of his majeſty's lieutenant; and where the militia has been embodied, into the hands of the clerk of the regiment or battalion, upon his producing the warrant of his appointment, under the hand and ſeal of the colonel or commanding-officer, notwithſtanding ſuch militia ſhall have been diſembodied; and where the militia ſhall be formed into independant companies, then ſuch ſums ſhall be paid to the reſpective captain of each company, or to ſuch perſon as he ſhall authorize to receive the ſame, according to the number of perſons intitled to receive pay and cloathing of which ſuch regiment, battalions, or independant companies, ſhall have been appointed to conſiſt, according to the eſtabliſhment laid down in the act of 2 *Geo.* 3, intituled, *An act to explain, amend, and reduce into one act of parliament, the ſeveral laws now in being relating to the raiſing and training the militia within that part of* Great Britain *called* England; and the receiver-general ſhall alſo, within fourteen days after the expiration of the third calendar month from the time of the firſt payment, make a ſecond payment for four calendar months in advance; and ſhall alſo, within fourteen days after the expiration of the third calendar month from the time of ſuch ſecond payment, make a third payment for four calendar

calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerks, in the proportions before mentioned; and the receipts of such clerks, and captains or independant companies, or of such persons as such captains shall authorize to receive such money, shall be a discharge to such receivers-general for the sums paid by them.

Sect. 4. "The clerk of each regiment or battalion shall forthwith, after the rate of such money, pay one calendar month's pay in advance to the adjutant; and to the captain or commanding-officer of each company, two months pay in advance for the serjeants and drummers; and also to the commanding officer of the company to which the serjeant-major and drum-major shall belong, two months pay in advance for such serjeant and drum-major; and so, from time to time, so long as any money on that account shall remain in his hands: which pay every such captain or commanding-officer is to distribute to each person belonging to his company intitled to receive the same, as it shall become due; and the captain of each independant company is to distribute to each person belonging to his company, such money as he shall receive for pay of his company by virtue of this act; and such captain or commanding-officer shall, once in every year, give in to the clerk of the regiment or battalion, or, if captain of an independant company, to the receiver-general, an account of the several payments he shall have made, according to the following form:

County of	Dr.	*Per Contra,*	Cr.
To cash received of Mr. regimental or battalion clerk, or receiver-general (*as the case shall be*) for two months pay in advance — —		Paid serjeant for days pay from the of to the of following — — —	
		Ditto as serjeant-major (if one in the company)	
		Paid serjeant for days pay from the of to the of following — — —	
		Paid drummer days at six-pence, from the of to the of following — —	
		Ditto as drum-major (if one in the company)	
		Paid drummer days from the of to the of following	

And shall pay back to the said clerk, or receiver-general, as the case shall be, the surplus (if any) of the money remaining in his hand.

Sect. 5. " In caſe the commanding-officer of any regiment or battalion, ſhall certify, in writing, to the clerk, that he hath diſcharged any ſerjeant or drummer as unfit for ſervice, no pay to be iſſued for ſuch perſon, until another be appointed by him; nor any payment made to ſuch as are diſcharged, or who have not been approved by the commanding-officer.

Sect. 6. " The clerk of each regiment or battalion ſhall, out of the money directed to be iſſued for defraying the contingent expences, pay yearly to the colonel or commanding-officer, 1 *d.* a month for each private man and drummer, for defraying the hoſpital expences of each company, during the mens abſence from home upon account of their annual exerciſe; and ſhall from time to time pay ſuch ſums as may be neceſſary for the repair of arms, and the carriage and removal thereof, upon an order in writing ſigned by the colonel or commanding-officer; and apply and pay the reſidue of ſuch money for the general uſe and benefit of the regiment or battalion, as the field-officers and captains, or the greater part of them ſhall direct; and ſhall yearly make up an account of all ſuch money, and the expenditure thereof, and deliver the ſame to the colonel or commanding-officer to be examined, allowed, and ſigned; and the ſame ſhall be the proper voucher and acquittal of ſuch clerk, for the application and diſpoſal of ſuch money.

Sect. 7. " The money allowed for the contingent expences of each independant company ſhall, in like manner, be applied to the particular uſe of ſuch company; and be yearly accounted for to the receiver-general, whoſe allowance ſhall be the proper voucher for the expenditure and diſpoſition thereof.

Sect. 8. " The commanding-officer of every regiment, battalion, and independant company is to tranſmit, within thirty days after the annual exerciſe is finiſhed, to the auditor of the *Exchequer*, a compleat return, ſigned by him, of the ſeveral officers, non-commiſſioned officers, and private men, who were actually inrolled, and did ſerve in ſuch regiment, *&c.* at the time the ſame were ſo exerciſed, in like manner as is required to be made to one of his majeſty's principal ſecretaries of ſtate.

Sect. 9. " The regimental or battalion clerk ſhall retain to his own uſe, out of the money received, ſuch further ſums as ſhall complete the allowance for his ſalary.

Sect. 10. " Whenever his majeſty's lieutenant, or any three or more deputy-lieutenants, of any county, *&c.* ſhall have fixed the days of exerciſe for the militia, they ſhall certify the ſame as ſoon as may be, to the receiver-general, ſpecifying the number of men, and days they are to be abſent from home on account of ſuch exerciſe; and the receiver-general is required, within fourteen days after the receipt of ſuch certificate, to iſſue to the clerk of the ſeveral regiments or battalions, at the rate of 7 *s.* 6 *d. per* day for each captain; 3 *s.* 6 *d. per* day for each lieutenant; 3 *s. per* day for each enſign, and 1 *s. per* day for each private militia-man, with the addition of 6 *d. per* day for each corporal, for the number of days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and where there ſhall be independant companies only, the receiver-general is to iſſue to the captains at the rate of 7 *s.* 6 *d. per* day for

each captain, 3 *s.* 6 *d.* *per* day for each lieutenant, and 3 *s.* *per* day for each enſign; and 1 *s.* *per* day for each private man, with the addition of 6 *d.* *per* day for each corporal, for the number of days ſuch officers and men ſhall be abſent from home on account of ſuch exerciſe; and the regimental or battalion clerks are forthwith to pay to each captain the proportions of pay belonging to their reſpective companies.

Sect. 11. "The captain of each company ſhall make up an account of all monies received and paid by him on account of ſuch exerciſe, according to the following form:

County of	Dr.	*Per Contr.*	Cr.
To caſh received of the regimental or battalion clerk, or receiver-general (*as the caſe ſhall be*) for days pay of men—		By my pay as captain — Paid lieutenant — — Paid enſign — — Paid militia-men days — Paid additional pay to corporals days —	

Which account ſhall be ſigned by him, and counterſigned by the commanding-officer; and he ſhall, within ten days after the time of exerciſe, deliver ſuch account, and pay the balance, if any, to the regimental or battalion clerk; or, if captain of an independant company, to the receiver-general: which accounts ſhall be allowed as ſufficient vouchers, in the paſſing of the accounts of ſuch receiver-general, at the receipt of the *Exchequer*.

Sect. 12. "Where any regiment, battalion, or independant company of militia ſhall be embodied, and called out into actual ſervice, and thereby the officers and private men ſhall be intitled to the ſame pay as his majeſty's other regiments of foot receive; all pay from the receiver-general of the land-tax, whether to the adjutants, ſerjeants, private militia-men, or others; and all money allowed for contingent expences, and alſo the allowance to the regimental or battalion clerk; ſhall, during ſuch time of actual ſervice, and until they ſhall be diſembodied and returned home, by order of their commanding-officers, ceaſe, and not be paid.

Sect. 13. "The receiver of the land-tax ſhall pay to the clerk of the general meetings his allowance, at the rate of 5 *l.* 5 *s.* for each meeting, upon his producing an order for that purpoſe from his majeſty's lieutenant, or from three deputy-lieutenants aſſembled at ſome general meeting; and ſhall alſo pay to the clerks of the ſubdiviſion meetings their ſeveral allowances, at the rate of 1 *l.* 1 *s.* for each meeting, upon their producing an order from one or more deputy-lieutenants aſſembled in the ſeveral ſubdiviſion-meetings; which order ſhall be a ſufficient diſcharge for the payment of ſuch allowances, and be allowed in his account.

Sect. 14. "The clerk of each regiment or battalion ſhall give ſecurity to the receiver-general of the land-tax of the county, *&c.* by a bond to his majeſty, in the penalty of one half of the ſum required for the whole

year's charge of the regiment or battalion to which he ſhall belong, for duly anſwering and paying ſuch ſums as he ſhall receive, and accounting for the ſame, and for performance of the truſt repoſed in him; which bond ſhall be lodged in the hands of the receiver-general; who, in caſe ſuch clerk ſhall not duly perform the conditions compriſed in the bond, ſhall forthwith put the ſame in ſuit; the full coſts and charges of which ſuit, in caſe judgment ſhall be given againſt ſuch clerk, ſhall be paid by him to the receiver-general, who ſhall likewiſe be intitled to receive to his own uſe, at the rate of 5*l. per cent.* out of all ſuch monies as ſhall be recovered thereon; and ſhall account for the reſidue with the proper auditor of his majeſty's revenue; the ſaid receiver-general charging himſelf therewith upon the next account of the land-tax to be paſſed by him.

Sect. 15. "The clerk of every regiment or battalion, and the captain of every independant company, ſhall, between the twenty-fifth of *March* and twenty-fourth of *June*, 1770, deliver to the receiver-general of the land-tax for the county, *&c.* a fair account, in writing, of all monies by him received and diſburſed for the ſervice of the preceding year, in purſuance of this act, with proper vouchers for the ſame; and ſhall pay back to him any ſurplus of ſuch monies then in hand; which accounts, ſigned by ſuch regimental or battalion clerk, or captain of an independant company reſpectively, ſhall be tranſmitted by the ſaid receiver-geneal into the office of the proper auditor of his majeſty's revenue.

Sect. 16. "All penalties, coſts, and charges of ſuit, and all ſums of money for which any perſon is by this act made anſwerable, may be recovered in any of the courts of record at *Weſtminſter*, by action of debt, *&c.*

Sect. 17. "No fee or gratuity ſhall be given upon account of any warrant or ſum of money which ſhall be iſſued in purſuance of this act.

Sect. 18. "Any perſon being on half-pay, or being intitled to any allowance as having ſerved in any or either of the two troops of horſe-guards, or regiment of horſe reduced, and ſerving in the militia, may receive the ſubſiſtence-money by this act directed to be paid to captains, lieutenants, or enſigns; and the ſo doing ſhall not be deemed a receiving or taking pay, ſo as in any manner to prevent his receiving his half-pay, or ſuch allowance; and ſuch perſon ſhall take the following oath before ſome juſtice of the peace, who is impowered to adminiſter the ſame:

I *A. B.* do ſwear, That I had not, between the any place or employment of profit civil or military under his majeſty, beſides my allowance of half-pay as a reduced in late regiment of (or allowance as in late troop of horſe-guards, or regiment of horſe reduced) ſave and except my ſubſiſtence as a lieutenant, or enſign, *as the caſe may be*, for ſerving in the militia of the county of

And the taking the ſaid oath ſhall be ſufficient to intitle ſuch perſon to receive his half-pay, or allowance, without taking any other oath.

Sect. 19. "The receiver-general of the land-tax, ſo ſoon as he ſhall receive a warrant under the hand of the colonel or commanding officer, certifying

certifying the receipt of the cloathing, and an order for the money due on account thereof, ſhall pay the ſum mentioned in ſuch order to the perſon intitled to receive the ſame; and ſuch warrant and order, with the receipt of the perſon receiving the ſaid money, ſhall be a diſcharge to ſuch receiver-general.

Sect. 20.—"If any regiment, battalion, or independant company, ſhall ceaſe and determine during the continuance of this act, three ſhillings *per diem* ſhall be paid to ſuch perſon as has actually ſerved as the adjutant, from the time ſuch regiment, *&c.* ſhall ceaſe, to 25 *March*, 1771.

Mills (Deſtroying.)

STAT. 9 *Geo.* 3, *c.* 29, [*A. D.* 1768, *intituled*,] "An act for the more effectual puniſhment of ſuch perſons as ſhall demoliſh or pull down, burn, or otherwiſe deſtroy or ſpoil, any mill or mills; and for preventing the deſtroying or damaging of engines for draining of collieries and mines; or bridges, waggon ways, or other things uſed in conveying coals, lead, tin, or other minerals, from mines; or fences for incloſing lands in purſuance of acts of parliament,

Sect. 1. "Whereas by an act paſſed in the firſt year of the reign of his late majeſty king *George* the Firſt, intituled, *An act for the preventing tumults and riotous aſſemblies, and for the more ſpeedy and effectual puniſhing the rioters*, it is, among other things enacted, That if any perſons unlawfully, riotouſly, and tumultuouſly aſſemble together, to the diſturbance of the publick peace, ſhall unlawfully and with force demoliſh or pull down, or begin to demoliſh or pull down, any church or chapel, or any building for religious worſhip, certified and regiſtered according to the ſtatute made in the firſt year of the reign of the late king *William* and queen *Mary*, intituled, *An act for exempting their majeſty's proteſtant ſubjects diſſenting from the church of* England *from the penalties of certain laws*, or any dwelling-houſe, barn, ſtable, or other out-houſe; that then, every ſuch demoliſhing or pulling down, or beginning to demoliſh or pull down, ſhall be adjudged felony without benefit of clergy; and the offenders therein ſhall be adjudged felons, and ſhall ſuffer death as in caſes of felony without benefit of clergy: and whereas ſome doubts have ariſen whether the ſaid act extends to the pulling down and demoliſhing of mills: therefore, for remedying the miſchiefs which may enſue therefrom, and for the more effectual puniſhment of ſuch offenders, be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual

Preamble, reciting clauſes in act of 1 Geo. 1, and act 1 Will. and Mary.

ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons unlawfully, riotouſly, and tumultuouſly aſſembled together, to the diſturbance of the publick peace, ſhall at any time after the firſt day of *July*, one thouſand ſeven hundred and ſixty-nine, unlawfully and with force demoliſh or pull down, or begin to demoliſh or pull down, any wind ſaw-mill, or other wind-mill, or any water-mill, or other mill which ſhall have been or ſhall be erected, or any of the works thereto reſpectively belonging; that then every ſuch demoliſhing or pulling down, or beginning to demoliſh or pull down, ſhall be adjudged felony without benefit of clergy, and the offenders therein ſhall be adjudged felons, and ſhall ſuffer death as in caſe of felony without benefit of clergy.

The riotouſly aſſembling, and demoliſhing, or beginning to demoliſh, &c. any mill or mills, or any of the works thereof, is made felony, in the perſons guilty thereof, without benefit of clergy;

Sect. 2. "And whereas no effectual proviſion hath heretofore been made for the preventing of burning of mills, be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall from and after the firſt day of *July*, one thouſand ſeven hundred and ſixty-nine, wilfully, or maliciouſly burn, or ſet fire to, any wind ſaw-mill, or other wind-mill, or any water-mill, or other mill; ſuch perſon ſo offending, being lawfully convicted thereof, ſhall be adjudged guilty of felony without benefit of clergy, and ſhall ſuffer death as in caſe of felony without benefit of clergy.

as is alſo the wilfully burning, or ſetting fire to any mill.

Sect. 3. "And for more effectually preventing the deſtroying of engines for draining collieries, and coal-mines, and other mines, and bridges and waggon-ways uſed in conveying coals, lead, and other minerals from thence; and alſo fences made or to be made for incloſing lands by virtue of acts of parliament; be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall at any time after the firſt day of *July*, one thouſand ſeven hundred and ſixty-nine, wilfully or maliciouſly ſet fire to, burn, demoliſh, pull down, or otherwiſe deſtroy or damage, any fire-engine or other engine erected, or to be erected, for draining water from collieries or coal-mines; or for drawing coals out of the ſame; or for draining water from any mine of lead, tin, copper, or other mineral; or any bridge, waggon-way, or trunk erected, for conveying coals from any colliery or coal-mine, or ſtaith for depoſiting the ſame; or any bridge or waggon-way erected, or to be erected, for conveying lead, tin, copper, or other mineral, from any ſuch mine; or any fence or fences that are or ſhall be erected, ſet up, provided, or made, for dividing or incloſing any common, waſte, or other lands or grounds, in purſuance of any act or acts of parliament; every ſuch perſon, being lawfully convicted, of any or either of the ſaid ſeveral offences, or of cauſing or procuring the ſame to be done, ſhall be adjudged guilty of felony, and ſhall be ſubject to the like pains and penalties as in caſes of felony; and the court by or before whom ſuch perſon ſhall be tried, ſhall have power and authority to tranſport ſuch felon for the term of ſeven years, in like manner as other felons are directed to be tranſported by the laws and ſtatutes of this realm.

The wilfully deſtroying or damaging engines for draining collieries, or other mines; or for drawing coals thereout; or any bridge, waggon-way, trunk, or ſtaith uſed for any purpoſes of the ſaid mines, &c. or fences ſet up for incloſing lands by virtue of acts of parliament, is tranſportation for ſeven years.

Sect. 4.

Sect. 4. "Provided always, That no perſon or perſons ſhall be proſecuted by virtue of this act for any offence or offences committed contrary to the ſame, unleſs ſuch proſecution be commenced within eighteen months after the offence committed. Limitation of proſecutions for the ſaid offences.

Oaths.

STAT. 6 *Geo.* 3, *c.* 53, [*A. D.* 1765, *intituled,*] "An act for altering the oaths of abjuration and the aſſurance; and for amending ſo much of an act of the ſeventh year of her late majeſty queen *Anne*, intituled, *An act for the improvement of the union of the two kingdoms*, as, after the time therein limited, requires the delivery of certain liſts and copies therein mentioned to perſons indicted of high-treaſon, or miſpriſion of treaſon.

"Whereas by an act paſſed in the firſt year of the reign of his late majeſty king *George* the firſt, intituled, *An act for the further ſecurity of his majeſty's perſon and government, and the ſucceſſion of the crown in the heirs of the late princeſs* Sophia, *being proteſtants; and for extinguiſhing the hopes of the pretended prince of* Wales, *and his open and ſecret abettors*; it is amongſt other things, enacted, That all and every perſon and perſons therein mentioned, within *Great Britain*, and the ſeveral iſlands of *Jerſey* and *Guernſey*, ſhould take and ſubſcribe the oath of abjuration therein mentioned; and all and every perſon and perſons therein mentioned, within *Scotland*, ſhould alſo ſubſcribe the aſſurance therein mentioned; in the manner, at the times and places, and under the pains and penalties, in the ſaid act expreſſed; and whereas by an act paſſed in the fifth year of the reign of his ſaid late majeſty, intituled, *An act for making more effectual the laws appointing the oaths, for ſecurity of the government, to be taken by the miniſters and preachers in churches and meeting-houſes in* Scotland, it is enacted, That all and every perſon and perſons therein mentioned, in *Scotland*, ſhould ſubſcribe the aſſurance in the above-mentioned act contained, and alſo take and ſubſcribe the oath of abjuration therein directed to be taken, in lieu of the oath of abjuration formerly required by law, in the manner, at the times and places, and under the penalties and diſabilities, in the ſaid act provided: and whereas by the death of the perſon who pretended to be prince of *Wales* during the life of the late king *James*, and, ſince his deceaſe, pretended to be, and took upon himſelf the ſtile and title of, king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the ſtile and title of king of *Great Britain*, it is become neceſſary to make ſome alteration in the oath of abjuration, and the aſſurance, contained in the ſaid acts above-mentioned: be it therefore declared and enacted by the king's moſt excellent majeſty, by and with the advice Preamble, reciting clauſes in act 1 Geo. 1, and act 5 Geo. 1. From and after June 4,

1766, the oath of abjuration required to be taken by the recited acts, to be administered in the following form.

advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, the oath of abjuration in the ſaid act above-mentioned, be adminiſtered in ſuch manner and form as is herein after ſet down and preſcribed; (that is to ſay)

The form.

I *A. B.* do truly and ſincerely acknowledge, profeſs, teſtify, and declare, in my conſcience, before God and the world, That our ſovereign lord king *George* is lawful and rightful king of this realm, and all other his majeſty's dominions and countries thereunto belonging. And I do ſolemnly and ſincerely declare, That I do believe, in my conſcience, That not any of the deſcendants of the perſon who pretended to be prince of *Wales* during the life of the late king *James* the ſecond, and, ſince his deceaſe, pretended to be, and took upon himſelf the ſtile and title of, king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the ſtile and title of king of *Great Britain*, hath any right or title whatſoever to the crown of this realm, or any other the dominions thereunto belonging: and I do renounce, refuſe, and abjure, any allegiance or obedience to any of them. And I do ſwear, That I will bear faith and true allegiance to his majeſty king *George*, and him will defend to the utmoſt of my power, againſt all traiterous conſpiracies and attempts whatſoever, which ſhall be made againſt his perſon, crown, or dignity. And I will do my utmoſt endeavour to diſcloſe and make known to his majeſty, and his ſucceſſors, all treaſons and traiterous conſpiracies which I ſhall know to be againſt him, or any of them. And I do faithfully promiſe, to the utmoſt of my power, to ſupport, maintain, and defend, the ſucceſſion of the crown, againſt the deſcendants of the ſaid *James*, and againſt all other perſons whatſoever; which ſucceſſion, by an act, intituled, *An act for the further limitation of the crown, and better ſecuring the rights and liberties of the ſubject*, is and ſtands limited to the princeſs *Sophia*, electoreſs and dutcheſs-dowager of *Hanover*, and the heirs of her body, being proteſtants. And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to theſe expreſs words by me ſpoken, and according to the plain common ſenſe and underſtanding of the ſame words, without any equivocation, mental evaſion, or ſecret reſervation whatſoever. And I do make this recognition, acknowledgement, abjuration, renunciation, and promiſe, heartily, willingly, and truly, upon the true faith of a Chriſtian.

And from and after the 24th of June, 1766, the aſſurance in firſt recited act, to be adminiſtered in the following form.

And that from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, the aſſurance, in the ſaid firſt-mentioned act contained, be adminiſtered in ſuch manner and form as is herein after ſet down and preſcribed; that is to ſay,

The form.

I *A. B.* do, in the ſincerity of my heart, aſſert, acknowledge, and declare, That his majeſty king *George* is the only lawful and undoubted ſovereign of this realm, as well *de jure*, that is, of right king, as *de facto*,

that is, in the poſſeſſion and exerciſe of the government. And therefore I do promiſe and ſwear, That I will with heart and hand, life and goods, maintain and defend his right, title, and government, againſt the deſcendants of the perſon who pretended to be prince of *Wales* during the life of the late king *James*, and, ſince his deceaſe, pretended to be, and took upon himſelf the ſtile and title of king of *England*, by the name of *James* the third, or of *Scotland*, by the name of *James* the eighth, or the ſtile and title of king of *Great Britain*, and their adherents, and all other enemies who, either by open or ſecret attempts, ſhall diſturb or diſquiet his majeſty in the poſſeſſion and exerciſe thereof.

The ſaid oath, and aſſurance, to be adminiſtered, taken, and ſubſcribed, within the time, and in the manner, &c. as by the recited acts are directed.

And that all and every perſon and perſons who are enjoined and required to adminiſter, take, or ſubſcribe, the oath of abjuration, and the aſſurance, in the ſaid above-mentioned acts contained, ſhall reſpectively adminiſter, take, and ſubſcribe, the oath of abjuration, and ſubſcribe the aſſurance, according to the form herein ſet down and preſcribed, in ſuch courts, within ſuch time limited, in ſuch manner, and with due obſervance of the ſame requiſites, and with benefit of the ſame ſavings, proviſoes, and indemnities, as by the ſaid acts above-mentioned, or by any other acts, or any part of them, now ſubſiſting, are directed and enacted; and in caſe of neglect or refuſal, he or they ſhall be ſubject and liable to the ſame penalties and diſabilities as, by the laws and ſtatutes aforeſaid, are enacted.

From and after Auguſt 1, 1766, the ſame oath of abjuration to be taken in Ireland, and other his majeſty's dominions. Benefit of indemnities granted by act of 1 Geo. 1, to be in force in Ireland.

Sect. 2. "And be it further enacted by the authority aforeſaid, That from and after the firſt day of *Auguſt*, one thouſand ſeven hundred and ſixty-ſix, the ſame oath of abjuration by this act appointed to be taken in *Great Britain*, ſhall be the oath of abjuration to be taken in the kingdom of *Ireland*, and the reſt of his majeſty's dominions, and no other; and that the benefit of the indemnities given by the ſaid firſt-mentioned act of the firſt year of the reign of his late majeſty king *George* the firſt, ſhall continue and be in force, as to the ſaid kingdom of *Ireland*, in like manner as if this act had never been made; any thing herein contained to the contrary in any wiſe notwithſtanding.

Clauſe in act 7 Anne.

Sect. 3. "And whereas by an act paſſed in the ſeventh year of the reign of her late majeſty queen *Anne*, intituled, *An act for improving the union of the two kingdoms*, it is enacted, That from andafter the deceaſe of the perſon who pretended to be prince of *Wales* during the life of the late king *James*, and, ſince his deceaſe, pretended to be king of *Great Britain*, and at the end of the term of three years after the immediate ſucceſſion to the crown upon the demiſe of her ſaid late majeſty ſhould take effect, when any perſon is indicted for high-treaſon, or miſpriſion of treaſon, a liſt of the witneſſes that ſhall be produced on the trial for proving the ſaid indictment, and of the jury, mentioning the names, profeſſion, and place of abode, of the ſaid witneſſes and jurors, be alſo given, at the ſame time that the copy of the indictment is delivered, to the party indicted; and that copies of all indictments for the offences aforeſaid, with ſuch liſts,

ſhall be delivered to the party indicted ten days before the trial, and in preſence of two or more credible witneſſes; be it further enacted by the authority aforeſaid, That nothing contained in the ſaid recited act, ſhall any ways extend to any indictment of high-treaſon, for counterfeiting his majeſty's coin, the great ſeal or privy-ſeal, his ſign manual, or privy-ſignet, or to any indictment of high-treaſon, or to any proceedings thereupon againſt any offender or offenders who, by any act or acts now in force, is and are to be indicted, arraigned, tried, and convicted, by ſuch like evidence, and in ſuch manner, as is uſed and allowed againſt offenders for counterfeiting his majeſty's coin.

Recited act not to extend to indictments for counterfeiting the coin, privy-ſeal, privy-ſignet, or other indictments of high-treaſon, &c.

Offices.

BY ſtat. 10 *Geo.* 3, *c.* 42, Perſons, who have omitted to qualify themſelves for offices ſhall be indemnified, (if final judgment be not given againſt ſuch perſon for any penalty, or if ſuch office be not filled up) provided they qualify on or before *December* 25, 1770.

Parliament.

STAT. 10 *Geo.* 3, *c.* 41; *intituled*, "An act to enable the ſpeaker of the Houſe of Commons to iſſue his warrants to make out new writs for the choice of members to ſerve in parliament, in the room of ſuch members as ſhall die during the receſs of parliament."

Sect. 1. "As many inconveniencies have happened, and many diſorders have been occaſioned, for want of more ſpeedy elections of members of the Houſe of Commons, in the room of ſuch who have died during the receſs of parliament: For remedy thereof, it is enacted, That, after the end of the preſent ſeſſion of parliament, the ſpeaker of the Houſe of Commons for the time being, during the receſs of parliament for more than twenty days, whether by prorogation or adjournment, is hereby required to iſſue his warrants to the clerk of the crown to make out new writs for electing members of the Houſe of Commons, in the room of ſuch member who ſhall happen to die during ſuch receſs of parliament, ſo ſoon as he ſhall have had due notice of the deceaſe of ſuch members.

Sect. 2.

Sect. 2. "But no ſuch warrant ſhall be iſſued by the ſaid ſpeaker, unleſs the death of ſuch member ſhall be certified to him by two members of the Houſe of Commons, by writing under their hands.

Sect. 3. "The ſpeaker ſhall forthwith, after the receipt of the certificate of the death of ſuch member, cauſe notice thereof to be inſerted in the *London Gazette*; and ſhall not iſſue his warrant till fourteen days after ſuch inſertion.

Sect. 4. "Nothing herein contained ſhall extend to authorize the ſpeaker to iſſue his warrant to the clerk of the crown, to make out a new writ for the electing a member of the Houſe of Commons in the room of any member deceaſed, unleſs the return of the writ, by virtue of which ſuch member deceaſed was elected, ſhall have been brought into the office of the clerk of the crown, fifteen days at the leaſt before the end of the ſeſſion of parliament immediately preceding the death of ſuch member.

Stat. 10 *Geo.* 3, *c.* 16, [*intituled*] "An act to regulate the trials of controverted elections, or returns of members to ſerve in parliament."

Sect. 1. "As the preſent mode of deciſion upon petitions, complaining of undue elections of members to ſerve in parliament, frequently obſtructs publick buſineſs; occaſions expence, trouble, and delay to the parties; is defective, for want of thoſe ſanctions, *&c.* which are eſtabliſhed by law in other trials; and is attended with other inconveniencies: It is enacted, That, after the preſent ſeſſion, on complaint of an undue election, *&c.* of members preſented to the Houſe of Commons, a preciſe time ſhall be fixed for taking the ſame into conſideration; and notice thereof ſhall be given, by the ſpeaker, to the petitioners and ſitting members, accompanied with an order to them to attend the houſe at the time appointed.

Sect. 2. "No ſuch petition ſhall be taken into conſideration within fourteen days after the appointment of the committee of privileges.

The houſe may alter the time appointed for taking ſuch petition into conſideration, and appoint ſome ſubſequent day; giving notice to the reſpective parties of the alteration, and an order to attend accordingly.

Sect. 3. "Previous to the reading the order of the day, at the time appointed for taking the petition into conſideration, the ſerjeant at arms ſhall go with the mace to the places adjacent, and require the immediate attendance of the members; and after his return, the houſe ſhall be counted; and if there be leſs than one hundred members preſent, the ſaid order ſhall be adjourned to an hour on the following day (*Sunday* and *Chriſtmas* excepted;) and they ſhall adjourn accordingly; and proceedings of all ſubſequent committees ſhall be void: And, on the following day, the houſe ſhall proceed in the ſame manner; and ſo from day to day till one hundred members be preſent.

Sect. 4. "If, after ſummoning members and counting the houſe, one hundred members ſhall be preſent; the petitioners ſhall be ordered to attend at the bar; and then, the door being locked, no member ſhall be ſuffered to enter into or depart from the houſe until the petitioners and the counſel of the members ſhall be ordered to withdraw, as after-mentioned:

And the door being locked, the order of the day ſhall be read, and the names of the members on diſtinct pieces of paper put into ſix boxes or glaſſes, to be placed on the table, and there ſhaken together; and the clerk attending ſhall alternately draw the ſaid pieces of paper, and deliver them to the ſpeaker, to be by him read to the houſe; and ſo continue, till forty-nine names be drawn.

Sect. 5. "Voting members at the election complained of, or complainants, againſt whoſe return a petition ſhall be depending, or which ſhall not have been brought within fourteen days; ſhall be ſet aſide, with the names of abſent members.

Sect. 6. "If the names of members of ſixty years of age ſhall be drawn, they ſhall be excuſed from ſerving on the ſelect committee, if required, and the cauſe of the requiſition verified on oath.

Sect. 7. "Names of thoſe who have ſerved in the ſelect committee during the ſame ſeſſion, if required, ſhall be excuſed, unleſs the number who have not ſerved be inſufficient to fulfil the purpoſes of the act.

Sect. 8. "Members having been appointed to ſerve in ſuch committee, and on account of inability having been excuſed from attending the ſame, ſhall not be deemed to have ſerved.

Sect. 9. "Any member verifying on oath any other excuſe, the ſubſtance of ſuch allegation ſhall be entered on the journals and the opinion of the houſe taken thereon; and, if the houſe ſhall reſolve that he is unable to ſerve, he ſhall be excuſed.

Sect. 10. "Inſtead of members ſo ſet aſide, other names ſhall be drawn, who may alſo be excuſed, and others drawn, till the whole forty-nine members, not liable to be excuſed, ſhall be complete; and the petitioners may name one, and the ſitting members another, from among thoſe preſent whoſe names are undrawn, to be added to thoſe ſo choſen.

Sect. 11. "Members ſo nominated may be ſet aſide for the ſame cauſes; or, if required, be excuſed from ſerving; and others nominated by the parties in their ſtead, and ſo as often as the caſe ſhall happen.

Sect. 12. "As ſoon as forty-nine members ſhall have been ſo choſen, the door ſhall be opened, and the houſe may proceed on any other buſineſs; and liſts of the forty-nine members ſhall be then given to the petitioners, *&c.* who, with the clerk, ſhall immediately withdraw, and the petitioners and ſitting members ſhall alternately ſtrike off one the of forty-nine, till the number be reduced to thirteen; and the clerk, within one hour, ſhall deliver to the houſe a liſt of the thirteen members; and they, with the nominees, ſhall be ſworn at the table a ſelect committee; and ſhall try and determine the merits of the return appointed to be taken into conſideration; and the houſe ſhall order them to meet in twenty-four hours; and the place of the meeting ſhall be in ſome convenient place adjacent to the houſe.

Sect. 13. "On the parties withdrawing, the houſe ſhall continue ſitting; and the fifty-one members ſhall not depart till the time for the meeting of the committee be fixed.

Sect. 14. "If the petitioners, *&c.* ſhall declare, that any member drawn is intended to be one of the nominees to be nominated, and ſuch member

 conſenting

conſenting thereto, he ſhall ſerve as ſuch; and another name ſhall be drawn to ſupply his place, and complete the forty nine members; but, on neglect of ſuch nomination, deficiencies to be ſupplied by lot, in like manner, leaving always fifteen members as a ſelect committee.

Sect. 15. "For greater diſpatch in the proceeding, the names of all the members drawn ſhall, previous to the day for taking the petition into conſideration, be put into a box or parcel, by the clerk, who ſhall atteſt the ſame; which parcel the ſpeaker ſhall ſeal, and atteſt the making up thereof in his preſence; and as ſoon as the parties ſhall be withdrawn, any member may require that the names of members undrawn may be read by the clerk, and they may be drawn and read.

Sect. 16. "The committee, on their meeting, ſhall elect a chairman from among the members choſen by lot; and in caſe of an equal number of voices, the member whoſe name is firſt drawn ſhall have a caſting voice; and ſo likewiſe on all occaſions on the death, *&c.* of chairmen.

Sect. 17. "The ſelect committee are impowered to ſend for perſons and records; to examine witneſſes, try the merits of the return, or election; and determine finally: and the houſe, on information thereof by the chairman of the committee, ſhall confirm or alter the return, or iſſue a writ for a new election.

Sect. 18. "The ſelect committee ſhall ſit every day (*Sunday* and *Chriſtmas* excepted) and ſhall not adjourn longer than twenty-four hours without leave firſt obtained from the houſe, and ſpecial cauſe aſſigned for a longer time; and in caſe the houſe be then ſitting, then the buſineſs ſhall be ſtayed, and a motion made for a farther adjournment, not exceeding twenty hours.

Sect. 19. "Where the time preſcribed for meeting, *&c.* ſhall, by the intervention of *Sunday* or *Chriſtmas-day*, exceed twenty-four hours, ſuch meeting, *&c.* ſhall be within twenty-four hours from the time of appointing the ſame, excluſive of *Sunday* or *Chriſtmas*.

Sect. 20. "No member of the ſelect committee ſhall abſent himſelf without leave from the houſe; and the committee ſhall never ſit till all who have not leave be met; and, for failure of meeting within one hour after the time to which they have been adjourned, a farther adjournment ſhall be made, as before directed, and reported, with the cauſe thereof.

Sect. 21. "The chairman of the committee ſhall, at the next meeting of the houſe, report the name of every member who ſhall have been abſent without leave; and ſuch member ſhall be directed to attend next meeting, be ordered into cuſtody, and cenſured or puniſhed at diſcretion; unleſs it appear, by facts, that ſuch member was unavoidably prevented from attending.

Sect. 22. "If more than thirteen members ſhall be abſent, the ſelect committee ſhall adjourn; and ſo always till thirteen are preſent.

Sect. 23. "In caſe the number ſhall, by death or otherwiſe, be unavoidably reduced to leſs than thirteen, and continue ſo for three days, then the committee ſhall be diſſolved, and another choſen; and all paſt proceedings ſhall be void.

Sect. 24.

Sect. 24. "If the committee ſhall reſolve otherwiſe than as above mentioned, the chairman ſhall report the ſame, and the houſe ſhall make ſuch order as to them ſhall ſeem meet.

Sect. 25. "If perſons ſummoned by the committee ſhall diſobey ſuch ſummons; or if witneſſes before the committee ſhall prevaricate, or refuſe to give evidence; the chairman may at any time report the ſame to the houſe, for the interpoſition of their authority.

Sect. 26. "When the committee think it neceſſary to deliberate among themſelves, upon any queſtion referred to them; as ſoon as they have heard the evidence on both ſides, the place ſhall be cleared, if they think proper, while the members conſider thereof; and all queſtions ſhall be determined by a majority of voices; and if the voices are equal, the chairman ſhall have a caſting vote.

Sect. 27. "No determination as aforeſaid ſhall be made unleſs thirteen members be preſent; and no member ſhall have a vote on ſuch determination who has not attended during every ſitting.

Sect. 28. "The oaths directed to be taken ſhall be adminiſtered by the clerk, in the ſame manner as the oath of allegiance; and thoſe before the ſelect committee by the clerk attending; and all perſons guilty of perjury in any evidence which they ſhall give, ſhall, on conviction, ſuffer the like penalty to which any other perſon convicted of perjury is liable.

Sect. 29. "The act ſhall continue in force for ſeven years, and till the end of the then next ſeſſion of parliament."

STAT. 10 *Geo.* 3, *c.* 50, [*intituled*] "An act for the further preventing delays of juſtice by reaſon of privilege of parliament."

Sect. 1. "As the ſeveral laws heretofore made for reſtraining the privilege of parliament, with reſpect to actions proſecuted at any time from and immediately after the diſſolution or prorogation of parliament, until a new parliament ſhould meet, or the ſame be re-aſſembled; and from an adjournment of both houſes of parliament for above fourteen days, until both houſes ſhould meet or aſſemble; are inſufficient to obviate the inconveniencies ariſing from the delay of ſuits by reaſon of privilege of parliament; whereby the parties often loſe the benefit of ſeveral terms: For preventing all delays the king or his ſubjects may receive in proſecuting the ſeveral rights, debts, demands, *&c.* for which they have cauſe; it is enacted, That after *June* 24, 1770, any perſon may commence any action or ſuit in any court of record, court of equity, or of admiralty, and in all cauſes matrimonial and teſtamentary, againſt any peer or lord of parliament of *Great Britain*, or againſt any of the knights, citizens, and burgeſſes, and the commiſſioners for ſhires, and burghs of the Houſe of Commons of *Great Britain* for the time being, or againſt their ſervants, or any perſon intitled to the privilege of parliament of *Great Britain*; and no ſuch action, or other proceſs thereupon, ſhall at any time be impeached, or delayed, by pretence of any privilege of parliament.

Sect. 2.

Sect. 2. "Nothing in this act ſhall extend to ſubject the perſon of any of the knights, citizens, and burgeſſes, or the commiſſioners of ſhires and burghs of the Houſe of Commons of *Great Britain*, to be arreſted or impriſoned upon any ſuch proceedings.

Sect. 3. "And as the proceſs by *diſtringas* is dilatory and expenſive, it is enacted, That the court out of which the writ proceeds, may order the iſſues levied from time to time to be ſold, and the money ariſing thereby to be applied to pay ſuch coſts to the plaintiff, as the court ſhall think juſt, under all the circumſtances, to order; and the ſurplus to be retained until the defendant ſhall have appeared, or other purpoſe of the writ be anſwered.

Sect. 4. "When the purpoſe of the writ is anſwered, the ſaid iſſues ſhall be returned; or, if ſold, what ſhall remain of the money ariſing by ſuch ſale ſhall be repaid to the party diſtrained upon.

Sect. 5. "Obedience may be enforced to any rule of *King's Bench*, *Common Pleas*, or *Exchequer*, againſt any perſon intitled to privilege of parliament, by diſtreſs infinite, in caſe perſons intitled to the benefit of ſuch rule ſhall chooſe to proceed in that way.

Sect. 6. "And as an act was made 12 and 13 *Will.* 3, intituled, *An act for preventing any inconveniencies that may happen by privilege of parliament*; it is enacted, That from the ſaid twenty-four *June*, the ſaid act, and alſo this act, ſhall extend to *Scotland*.

Poor.

BY ſtat. 9 *Geo.* 3, *c.* 32, No perſon who ſhall be admitted into the *Magdalen* hoſpital (for the reception of penitent proſtitutes) or who ſhall be employed in the ſaid hoſpital as an hired ſervant, ſhall, by reaſon of ſuch admittance or ſervice, gain any ſettlement in the pariſh in which the ſaid hoſpital is or ſhall be ſituated.

STAT. 9 *Geo.* 3, *c.* 37, [*A. D.* 1768.] "made, among other purpoſes, "for preventing pariſh poor being paid in baſe or counterfeit coin."

Churchwardens, overſeers, or others, intruſted to make payments to or for the uſe of the poor, making the ſame in any other than lawful money.

Sect. 7. "And be it further enacted, That if any churchwarden or overſeer of any pariſh, townſhip, or place, or other perſon authorized or intruſted by them, or any of them, to make payments to or for the uſe of the poor within ſuch pariſh, townſhip, or place reſpectively, ſhall wilfully and knowingly, at any time from and after the twenty-fourth day of *June* next, make any ſuch payments in baſe or counterfeit money, or in any other than lawful money of *Great Britain*; that then, upon complaint thereof made to any juſtice of the peace of the county, riding, diviſion, or place, wherein

wherein ſuch payment ſhall be ſo made as aforeſaid, it ſhall and may be lawful to and for ſuch juſtice, and he is hereby required, to ſummon the churchwarden, overſeer, or other perſon charged with ſuch offence, and in a ſummary way, upon his or their non appearance or confeſſion, or upon proof of ſuch offence upon oath of one or more credible witneſs or witneſſes (which oath the ſaid juſtice is hereby authorized to adminiſter) to adjudge the party ſo offending to forfeit and pay for each offence a ſum not leſs than ten ſhillings, nor more than twenty ſhillings; and to levy the ſame by diſtreſs and ſale of the goods and chattles of ſuch offender; rendering the overplus, if any, to the owner, after the charges of ſuch diſtreſs and ſale ſhall be deducted; which ſum ſhall be applied for the uſe of any poor perſon or perſons of ſuch pariſh, townſhip, or place reſpectively, in ſuch manner as the juſtice of peace, who ſhall adjudge ſuch forfeiture, ſhall direct or appoint.

forfeit not leſs than 10s. nor more than 20s. for every ſuch offence;

to be applied to the uſe of any of the poor of the pariſh.

Poſt-Office.

STAT. 7 *Geo.* 3, *c.* 50, [*A. D.* 1767, *intituled*] "An act for amending certain laws relating to the revenue of the poſt-office; and for granting rates of poſtage for the conveyance of letters and packets between *Great Britain* and the *Iſle of Man*, and within that iſland."

Preamble.

Sect. 1. "Whereas it is of the utmoſt importance to the trade and commerce of theſe kingdoms, that all letters, packets, bank notes, bills of exchange, and other things, may be ſent and conveyed by the poſt with the greateſt ſafety and ſecurity; and it having been found neceſſary, that ſome further regulations and proviſions ſhould be made for that purpoſe: May it pleaſe your majeſty that it may be enacted, and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That if any deputy, clerk, agent, letter-carrier, poſt-boy, or rider, or any other officer or perſon whatſoever, employed, or to be hereafter employed, in receiving, ſtamping, ſorting, charging, carrying, conveying, or delivering letters or packets, or in any other buſineſs relating to the *Poſt-Office*, ſhall, from and after the firſt day of *November*, one thouſand ſeven hundred and ſixty-ſeven, ſecrete, embezzle, or deſtroy, any letter or letters, packet or packets, bag or mail of letters, which he, ſhe, or they, ſhall and may be reſpectively intruſted with, or which ſhall have come to his, her, or their hands or poſſeſſion, containing any bank note, bank poſt bill, bill of exchange, *Exchequer* bill, *South-Sea* or *Eaſt-India* bond, dividend warrant of the *Bank*, *South-Sea*, *Eaſt-India*, or any other company, ſociety,

Officers, or others employed in any buſineſs relating to the Poſt-office, who ſhall ſecrete, embezzle, or deſtroy any letter or packet, *&c.* with which they ſhall be intruſted, or which ſhall come to their

ſociety, or corporation, navy or victualling or tranſport bill, ordnance debenture, ſeaman's ticket, ſtate lottery ticket or certificate, bank receipt for payment on any loan, note of aſſignment of ſtock in the funds, letter of attorney for receiving annuities or dividends, or for ſelling ſtock in the funds, or belonging to any company, ſociety, or corporation, *American* provincial bill of credit, goldſmith's or banker's letter of credit or note for or relating to the payment of money, or other bond or warrant, draught, bill, or promiſſory note whatſoever, for the payment of money; or ſhall ſteal and take out of any letter or packet that ſhall come to his, her, or their hands or poſſeſſion, any ſuch bank note, bank poſt bill, bill of exchange, *Exchequer* bill, *South-Sea* or *Eaſt-India* bond, dividend warrant of the *Bank*, *South-Sea*, *Eaſt-India*, or any other company, ſociety, or corporation, navy or victualling or tranſport bill, ordnance debenture, ſeaman's ticket, ſtate lottery ticket or certificate, bank receipt for payment on any loan, note of aſſignment of ſtock in the funds, letter of attorney for receiving annuities or dividends, or for ſelling ſtock in the funds, or belonging to any company, ſociety, or corporation, *American* provincial bill of credit, goldſmith's or banker's letter of credit or note for or relating to the payment of money, or other bond or warrant, draught, bill, or promiſſory note whatſoever, for the payment of money; every ſuch offender or offenders, being thereof convicted in due form of law, ſhall be deemed guilty of felony, and ſhall ſuffer death as a felon without benefit of clergy.

hands or poſſeſſion, containing any bank or other note, for payment of money;

or ſhall ſteal or take therefrom, any ſuch bank or other note, &c.

being convicted, ſhall ſuffer death, without benefit of clergy.

Sect. 2. "And be it further enacted by the authority aforeſaid, That from and after the ſaid firſt day of *November*, one thouſand ſeven hundred and ſixty-ſeven, if any perſon or perſons whatſoever, ſhall rob any mail or mails, in which letters are ſent or conveyed by the poſt, of any letter or letters, packet or packets, bag or mail of letters; or ſhall ſteal and take from or out of any ſuch mail or mails, or from or out of any bag or bags of letters, ſent or conveyed by the poſt, or from or out of any poſt-office, or houſe or place for the receipt or delivery of letters or packets ſent or to be ſent by the poſt, any letter or letters, packet or packets; although ſuch robbery, ſtealing, or taking, ſhall not appear, or be proved, to be a taking from the perſon, or upon the king's highway, or to be a robbery committed in any dwelling-houſe, or any coach-houſe, ſtable, barn, or any out-houſe belonging to a dwelling-houſe; and although it ſhould not appear that any perſon or perſons were put in fear by ſuch robbery, ſtealing, or taking; yet ſuch offender or offenders, being thereof convicted as aforeſaid, ſhall nevertheleſs reſpectively be deemed guilty of felony, and ſhall ſuffer death as a felon, without benefit of clergy.

Perſons who ſhall rob the mail of any letters,

or ſhall ſteal letters from any mail or bag,

or from any poſt-houſe, or office,

being convicted, ſhall ſuffer death, without benefit of clergy.

Sect. 3. "And be it further enacted by the authority aforeſaid, That if any deputy, clerk, agent, letter-carrier, officer, or other perſon whatſoever, employed or hereafter to be employed in any buſineſs relating to the *Poſt-Office*, ſhall take and receive into his, her, or their hands or poſſeſſion, any letter or letters, packet or packets, to be forwarded by the poſt, and receive any ſum or ſums of money therewith for the poſtage thereof, ſhall, after the ſaid firſt day of *November*, one thouſand ſeven hundred and ſixty-ſeven, burn or otherwiſe deſtroy any letter or letters,

Officers, or others, employed in any buſineſs relating to the Poſt-office, who ſhall burn or deſtroy any letter to be ſent by poſt,

for which they have received the poſtage; or who ſhall advance the poſtage on any poſt letter without duly accounting for the money; are deemed guilty of felony.

packet or packets, by him, her, or them, ſo taken in or received; or if any ſuch deputy, clerk, agent, letter-carrier, officer, or other perſon whatſoever, ſo employed, or hereafter to be ſo employed, ſhall advance the rate or rates of poſtage upon any letter or letters, packet or packets, ſent by the poſt, and ſhall ſecrete, and not duly account for, the money by him, her, or them, received for ſuch advanced poſtage; every ſuch offender or offenders, being thereof convicted as aforeſaid, ſhall be deemed guilty of felony.

A packet-boat to be eſtabliſhed between *Whitehaven* and the port of *Douglas* in the *Iſle of Man*, for the conveyance of letters.

Sect. 4. "And whereas it hath been found neceſſary, for the convenience and improvement of trade and commerce, and for the more ſafe and ſpeedy conveyance of letters and packets between *Great Britain* and the *Iſle of Man*, to eſtabliſh a packet-boat between the port of *Whitehaven* in the county of *Cumberland*, and the port of *Douglas* in the ſaid *Iſle of Man*; be it enacted by the authority aforeſaid, That from and after the fifth day of *July*, one thouſand ſeven hundred and ſixty-ſeven, it ſhall and may be lawful to and for his majeſty's poſt-maſter-general, and his deputy and deputies by him thereunto ſufficiently authorized, to and for the uſe of his majeſty, his heirs, and ſucceſſors, to demand, have, receive, and take, for the poſt and conveyance of all and every the letters and packets that ſhall be carried or conveyed by packet-boats to or from the port of *Whitehaven* aforeſaid, or any other convenient port in the kingdom of *Great Britain*, from or to the port of *Douglas* aforeſaid, or any other convenient port in the ſaid *Iſle of Man* (over and above all other rates payable for ſuch letters or packets) according to the rates and ſums hereafter mentioned (the ſame being rated either by the letter, or by the ounce), that is to ſay,

Rates of poſtage to be paid thereupon.

The rates.

For every ſingle letter, two-pence.
For every double letter, four-pence.
For every treble letter, ſix-pence.
And for every ounce, eight-pence.

And ſo in proportion for every packet of deeds, writs, and other things.

Convenient poſt-offices, and poſt-roads, to be eſtabliſhed within the ſaid iſland.

Sect. 5. "And be it further enacted by the authority aforeſaid, That from and after the ſaid fifth day of *July*, one thouſand ſeven hundred and ſixty-ſeven, it ſhall and may be lawful to and for his majeſty's poſt-maſter-general, to eſtabliſh poſt-offices and poſt-roads within the ſaid *Iſle of Man*, wherever it ſhall appear to him to be neceſſary and convenient for the benefit of trade and correſpondence ſo to do; and that it ſhall and may be lawful for ſuch poſt-maſter-general, and his deputy and deputies by him thereunto ſufficiently authorized, to and for the uſe of his majeſty, his heirs, and ſucceſſors, to demand, have, receive, and take, for the inland port or conveyance of all letters and packets ſent or conveyed by the poſt within the ſaid iſle, ſuch rates of poſtage in proportion to the number of miles or ſtages ſuch letters and packets are carried or conveyed by the poſt, as now are reſpectively ſettled, eſtabliſhed, and aſcertained,

Inland port of letters there, to be charged after the rate of poſtage in *England*.

to

to be paid for the inland port or conveyance of letters and packets within that part of *Great Britain* called *England*.

Clauſes, proviſions, powers, privileges, penalties, &c.

Sect. 6. " And be it further enacted by the authority aforeſaid, That from and after the ſaid fifth day of *July*, one thouſand ſeven hundred and ſixty ſeven, all and every the clauſes, proviſions, powers, privileges, advantages, diſabilities, penalties, and methods for the recovery of the ſame, and all other matters and things contained in an act made in the ninth year of the reign of her late majeſty queen *Anne*, intituled, *An act for eſtabliſhing a general poſt-office for all her majeſty's dominions, and for ſettling a weekly ſum out of the revenues thereof for the ſervice of the war, and other her majeſty's occaſions* (and not repealed or altered by any ſubſequent law) as alſo in an act made in the ſixth year of the reign of his majeſty king *George* the firſt, intituled, *An act for preventing frauds and abuſes in the publick revenues of exciſe, cuſtoms, ſtamp duties*, Poſt-Office, *and houſe-money*, ſo far as the ſaid act relates to the *Poſt-Office*; as alſo in an act made in the twenty-ſixth year of the reign of his majeſty king *George* the ſecond, intituled, *An act for the more effectual preventing the fraudulent removal of tobacco by land or water, and for the eaſe of the fair trader; and for aſcertaining the rates payable for the poſtage of certain letters; and for amending and explaining the laws relating to the ſale of ſpirituous liquors by retail*; ſo far as the ſaid act relates to the *Poſt-Office*; as alſo in an act made in the fourth year of the reign of his preſent moſt gracious majeſty, intituled, *An act for preventing frauds and abuſes in relation to the ſending and receiving letters and packets free from the duty of poſtage*; as alſo in an act made in the fifth year of his preſent majeſty, intituled, *An act to alter certain rates of poſtage; and to amend, explain, and enlarge, ſeveral proviſions in an act made in the ninth year of the reign of queen* Anne, *and in other acts relating to the revenue of the* Poſt-Office; and alſo in this preſent act, or in any other act relating to the *Poſt-Office*, ſhall extend, and be deemed and conſtrued to extend, to the ſaid *Iſle of Man*, and to all his majeſty's ſubjects within the ſaid iſle, as fully and effectually in every reſpect, as if the ſaid iſle and his majeſty's ſubjects therein, had been expreſsly included in the ſaid ſeveral acts, or in any of them.

in act 9 Annæ, not repealed or altered by any ſubſequent law; and in act 6 Geo. 1, and in act 26 Geo. 2, ſo far as the ſame relate to the Poſt-office; alſo in act 4 Geo. 3, and act 5 Geo. 3, and this preſent, or other act relating to the Poſt-office, extended to the *Iſle of Man*.

Monies ariſing by the poſtage there, after all charges deducted, to be applied as the preſent rates of poſtage.

Sect. 7. " And be it enacted by the authority aforeſaid, That all the monies ariſing by the rates aforeſaid, except the monies which ſhall be neceſſary to defray ſuch expences as ſhall be incurred in the collection and management of the ſame, and all other expences attending the ſaid office, and the due execution of the acts relating thereto, ſhall be appropriated and applied to ſuch and the ſame uſes to which the preſent rates of poſtage are reſpectively now by law appropriated and made applicable. rates of

Limitation of actions.

Sect. 8. " And be it further enacted by the authority aforeſaid, That if any action or ſuit ſhall be commenced againſt any perſon or perſons for any thing done in purſuance of this act, the ſame ſhall be commenced within ſix months after the fact committed, and not afterwards; and the defendant or defendants in ſuch action or ſuit ſhall and may plead the general iſſue, and give this act, and the ſpecial matter, in evidence, and that the ſame was done in purſuance and by the authority of this act;

General iſſue.

and if it ſhall appear ſo to be done, or that ſuch action or ſuit ſhall be commenced after the time before limited for bringing the ſame, that then the jury ſhall find for the defendant or defendants; and upon a verdict for the defendant, or if the plaintiff or plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their action or ſuit after the defendant or defendants ſhall have appeared; or if, upon demurrer, judgment ſhall be given againſt the plaintiff or plaintiffs, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have in any other caſes by law.

Treble coſts.

Seamen.

STAT. 9 *Geo.* 3, *c.* 30, [*A. D.* 1768,] *made, among other purpoſes,* "for the more effectual puniſhment of perſons guilty of forgery or perjury, in relation to ſeamen's wages."

Sect. 5. "And, for the more ſpeedy and effectual bringing to juſtice perſons who ſhall falſely aſſume the names or characters of officers or ſeamen, or other perſons; or ſhall forge or counterfeit, or cauſe to be forged or counterfeited, any letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or other authority to receive any wages, pay, or other allowance, due to any officer, ſeaman, or other officer, in, or who has been or ſhall be in, his majeſty's ſervice; or ſhall utter or publiſh the ſame as true; or who ſhall be guilty of ſtealing or embezzling his majeſty's naval ſtores; be it further enacted by the authority aforeſaid, That from and after the ſaid twenty fourth day of *June*, one thouſand ſeven hundred and ſixty-nine, it ſhall and may be lawful to and for the treaſurer, comptroller, ſurveyor, clerk of the acts, or any commiſſioner of the navy for the time being, and they are hereby reſpectively authorized and impowered, from time to time, in all places whatſoever, to do, perform, exerciſe, and execute, the office and duty of a juſtice or juſtices of the peace, to all intents and purpoſes whatſoever, in cauſing any perſon or perſons who ſhall, at any time or times, from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-nine, be charged with forging or counterfeiting, or procuring to be forged or counterfeited, any letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or other power or authority; or with uttering or publiſhing the ſame as true, in order to receive any wages, pay, or other allowance, due to any officer, ſeaman, or other perſon, who is or has been, or ſhall hereafter be, in the ſervice of his majeſty, his heirs, or ſucceſſors; or with

Treaſurer, and other officers of the navy, impowered to act as juſtices in any of the caſes here mentioned;

with taking, or procuring falſe oaths to be taken, for any of the purpoſes aforeſaid; or to obtain a probat of any will, or letters of adminiſtration, in order to receive ſuch wages, pay, or other allowance; or with ſtealing or imbezzling of any naval ſtores, the property of his majeſty, his heirs, or ſucceſſors, to be apprehended, committed, and proſecuted, for the ſame; and all conſtables, headboroughs, keepers of gaols and priſons, and all other officers whatſoever, ſhall, and they are hereby reſpectively required, from time to time, diligently to execute, perform, and obey, all ſuch warrant and warrants as ſhall be made, directed, iſſued, or given to them, or any of them, by any one or more of the perſons aforeſaid, touching any of the matters and things herein before contained.

and all conſtables are required to obey and execute their warrants accordingly.

Sect. 6. "And be it further enacted by the authority aforeſaid, That if any perſon ſhall, after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-nine, utter or publiſh, as true, any falſe, forged, or counterfeited letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or any other power or authority whatſoever, in order to receive any wages, pay, or other allowances of money, or prize-money, due or ſuppoſed to be due to any officer or ſeaman, or other perſon, who has really ſerved or was ſuppoſed to have ſerved, or who ſhall hereafter ſerve or be ſuppoſed to have ſerved, on board of any ſhip or veſſel of his majeſty, his heirs, or ſucceſſors, with intent to defraud any perſon, knowing the ſame to be falſe, forged, or counterfeited; then every ſuch perſon, being thereof lawfully convicted, ſhall be deemed guilty of felony, and ſhall ſuffer death as a felon without benefit of clergy.

Penalty of uttering any forged letter of attorney, bill, ticket, certificate, aſſignment, laſt will, &c. of any officer or ſailor, to obtain any wages, prize-money, &c. thereupon; is felony without benefit of clergy.

Servants (to Taylors.)

STAT. 8 *Geo.* 3, *c.* 17, [*A. D.* 1767, *intituled*] "An act to amend an act made in the ſeventh year of king *George* the firſt, intituled, *An act for regulating the journeymen taylors within the weekly bills of mortality.*

"Whereas by an act made in the ſeventh year of the reign of his late majeſty king *George* the firſt, intituled *An act for regulating the journeymen taylors within the weekly bills of mortality*; power is given to the juſtices of the peace, at their general quarter-ſeſſions, within the limits in the ſaid act mentioned, from time to time, upon application being made to them for that purpoſe, to take into conſideration the plenty or ſcarcity of the times, and other circumſtances, and thereupon to alter and regulate the wages and other allowances, directed by the ſaid act to be paid and made to, and the hours for work of journeymen taylors and ſervants retained or employed

Preamble, reciting act 7 Geo. 1. See vol. 3, page 899.

ployed in the art or myſtery of a taylor, within their reſpective juriſdictions; and alſo to puniſh all perſons not complying with the terms of the ſaid act, or of ſuch rules and regulations, in manner in the ſaid act mentioned: And whereas, by virtue of the power aforeſaid, the juſtices of the peace, at their general quarter-ſeſſions, within the city of *London* and county of *Middleſex* reſpectively, have, from time to time, made orders, rules, and regulations, with reſpect to the hours of working, and the wages and allowances to be paid and made to journeymen taylors, and others, as aforeſaid; but doubts and difficulties having ariſen, touching the proſecution of perſons offending againſt the ſaid act, or againſt the ſaid rules, orders, and regulations, and many ſubtil devices having been practiſed in order to evade the ſaid rules, orders, and regulations, the due execution of the ſaid act hath been greatly obſtructed: And whereas it is neceſſary that the ſaid act ſhould in ſome other reſpects be explained and amended: May it therefore pleaſe your majeſty, that it may be enacted; and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the twenty-fifth day of *March*, one thouſand ſeven hundred and ſixty-eight, the hours of work in the day for ſervants or journeymen, to be employed in the buſineſs of a taylor within the city of *London*, and five miles thereof, ſhall be from ſix of the clock in the morning until ſeven of the clock in the evening, with an interval of one hour only for refreſhment; and that there ſhall be paid to every ſuch ſervant or journeyman to be employed as aforeſaid for his work, during the hours aforeſaid, the wages or allowances following; that is to ſay, any ſum not exceeding two ſhillings and ſeven-pence half-penny *per diem*, except during the ſpace of one calendar month from the publication of any order for a general mourning by the earl-marſhal, in the *London Gazette*, and during that ſpace, any ſum not exceeding five ſhillings and one penny half-penny.

Hours and price for working limited within a certain diſtrict.

Penalty on acting contrary to the above limitation.

Sect. 2. "And it is hereby further enacted, That if any maſter taylor, or other perſon profeſſing, uſing, or exerciſing, the art or myſtery of a taylor, within the city of *London*, or within five miles thereof, ſhall, after the ſaid twenty-fifth day of *March*, give, allow, or pay, or cauſe, permit, or ſuffer to be given, allowed, or paid, directly or indirectly, in money, or otherwiſe, to any ſervant or journeyman in the buſineſs of a taylor, any more or greater wages or allowances than the wages or allowances aforeſaid; or ſuch other wages and allowances as ſhall hereafter from time to time be ordered and appointed by virtue and in purſuance of this act; or if any ſervant, journeyman, or other perſon, uſing and following the ſaid buſineſs of a taylor, within the limits aforeſaid, that is to ſay, within the city of *London*, or within five miles thereof, ſhall have, receive, accept of, or take, in any manner, directly or indirectly, by himſelf, or by any other perſon to his uſe, any more or greater wages or allowances than as aforeſaid, in money or otherwiſe; every perſon ſo offending, in any or either of the ſaid caſes, and being thereof convicted before any two juſtices of the peace for the county, city, liberty, town, borough, or franchiſe,

franchiſe, wherein the offence ſhall have been committed, either by confeſſion of the party, or upon the oath or oaths of one or more credible witneſs or witneſſes (which oaths the ſaid juſtices are hereby impowered and required to adminiſter) upon any information made, or proſecution commenced before any ſuch two juſtices within their reſpective juriſdictions, at any time within three months after the committing of ſuch offence, ſhall be committed to the houſe of correction for the county or place where the offence ſhall be committed, by warrant under the hands and ſeals of ſuch juſtices, there to be kept to hard labour, or to the common gaol, for any time not exceeding two months, nor leſs than fourteen days, at the diſcretion of the ſaid juſtices.

Juſtices impowered to call witneſſes before them on ſuſpicion that the above regulation is broke through.

Sect. 3. "And be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any two juſtices of the peace within the limits aforeſaid, and they are hereby required, on information upon oath made before them, by any perſon or perſons whatſoever, that there is reaſon to ſuſpect that any perſon or perſons uſing, exerciſing or following, the buſineſs of a maſter taylor, or journeyman taylor, within the limits aforeſaid, hath given, paid, allowed, or received, greater wages or allowances than as aforeſaid, at the requeſt of ſuch informant, to iſſue their ſummons in writing, ſigned by any ſuch two juſtices, requiring any clerk, foreman, apprentice, ſervant, or other perſon or perſons employed or retained by ſuch perſon ſo ſuſpected to have offended, or any other perſon or perſons whatſoever, whoſe attendance ſuch informant ſhall think neceſſary, for the purpoſe of giving evidence in the premiſſes to attend ſuch juſtices, or ſome other two juſtices acting for ſuch county or place, at a time and place in ſuch ſummons to be ſpecified, to teſtify concerning the premiſſes; and if any ſuch perſon ſo ſummoned, ſhall not attend, and proof ſhall be made of the ſervice of ſuch ſummons, either perſonally, or by leaving the ſame at the laſt or uſual place of abode of ſuch perſon, it ſhall be lawful for ſuch two juſtices, or any other two juſtices of the peace acting for ſuch county or place, and they are hereby required (unleſs a reaſonable excuſe be made for ſuch non-attendance, to the ſatisfaction of ſuch juſtices) to iſſue their warrant under their hands and ſeals, for the apprehending and bringing him or her before them, or ſome other two or more juſtices of the peace acting for ſuch county or place, to be examined touching the premiſſes in the ſaid information contained; and if any ſuch perſon ſo attending, or being brought before ſuch juſtices, ſhall refuſe to be examined, or give their teſtimony touching the premiſſes in ſuch information contained, ſuch perſon ſhall by the ſaid juſtices be committed to the houſe of correction, there to remain until he or ſhe ſhall ſubmit to be examined and to give teſtimony as aforeſaid.

Sect. 4. "And whereas, under the proviſions of the ſaid act made in the ſeventh year of the reign of king *George* the firſt, it may happen that one and the ſame rate of wages and allowances to journeymen taylors, may not be appointed and eſtabliſhed within the city of *London* and *Weſtminſter*, and weekly bills of mortality, which would be highly inconvenient and

prejudicial

prejudicial to the publick; now to prevent ſuch inconvenience, and to the end that one juſt and reaſonable rate of ſuch wages and allowances may be eſtabliſhed within the city of *London*, and five miles therefrom, in future, ſubject nevertheleſs to ſuch alterations as the exigences of the times may require; be it enacted by the authority aforeſaid, That it ſhall and may be lawful to and for the mayor, aldermen, and recorder of the city of *London* for the time being, at their general quarter-ſeſſions, or general ſeſſions of the peace aſſembled, and they are hereby authorized and required, from time to time, upon application being made to them for that purpoſe, to alter, regulate, order, and appoint, the wages and allowances to be paid or made to journeymen taylors and ſervants retained or employed, or to be retained or employed, in the art or myſtery of a taylor, in the making up mens and womens work within the city of *London*, or within five miles thereof, and the hours of work; and ſhall and may, within the ſpace of fourteen days next after the making every ſuch order, cauſe the ſame to be printed, publiſhed, and made known, in ſuch manner as to them ſhall ſeem meet, at the reaſonable expence of the perſon or perſons applying for the ſame; and from and after publication thereof, all taylors, and their journeymen and ſervants, within the limits aforeſaid, are hereby ſtrictly required to obſerve the ſame, the proviſions of the ſaid act of the ſeventh of king *George* the firſt to the contrary thereof notwithſtanding.

Quarter-ſeſſions in London to make regulations for the future.

Sufficient notice.

Sect. 5. "Provided always, That advertiſing ſuch orders of ſeſſions three times in any two daily news-papers publiſhed in *London* or *Weſtminſter*, ſhall for the pupoſes of this act be deemed and allowed to be ſufficient notice and publication thereof.

Proviſions of this act not to extend to taylors foremen, or working over hours.

Sect. 6. "Provided alſo, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to fix, controul, or regulate, the wages or allowances or hours of work, of ſervants in the ſaid buſineſs of a taylor, *bona fide*, retained and employed as foremen; or to hinder the paying or receiving further or other wages or allowances (not exceeding ſix-pence by the hour in times of general mourning, and three pence by the hour at any other time or times) which ſhall be agreed upon for working before or after the hours of work limited or appointed, or to be limited or appointed as aforeſaid, ſo as ſuch over-work be not at any one time leſs than one hour, and be actually and *bona fide* done and performed by ſuch journeyman or ſervant; and ſo as ſuch retainer or employment, and ſuch agreement or payment, be not made in fraud of, or to elude, the regulations herein before provided with reſpect to wages, allowances, and hours of working, ſettled and aſcertained, or to be ſettled and aſcertained as aforeſaid.

Penalty on maſters employing men out of the limits, to evade the act.

Sect. 7. "And be it further enacted by the authority aforeſaid, That from and after the ſaid twenty-fifth day of *March*, one thouſand ſeven hundred and ſixty-eight, if any maſter taylor, or other perſon profeſſing, uſing, or exerciſing, the art or myſtery of a taylor, reſiding or inhabiting within the limits aforeſaid, ſhall directly or indirectly in any manner whatſoever

ſoever retain or employ any ſervant, journeyman, or other perſon, uſing or following the buſineſs of a taylor, in or about the making up mens or womens work, out of, or beyond, the limits aforeſaid, with intent or deſign to elude or evade this act, and ſhall give, allow, or pay, or cauſe to be given, allowed, or paid, directly or indirectly, to ſuch ſervant or journeyman, any more or greater wages or allowances than the wages or allowances ſettled and aſcertained, or to be ſettled and aſcertained as aforeſaid; every ſuch perſon ſhall, for every ſuch offence, forfeit the ſum of five hundred pounds, to be ſued for by action of debt, to be brought in any of his majeſty's courts of record at *Weſtminſter*; wherein no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; and wherein the ordinary coſts of the ſuit ſhall be paid; one moiety of which ſaid forfeiture, when recovered, ſhall belong and be paid to the king's majeſty, and his ſucceſſors, and the other moiety to the perſon who ſhall ſue for the ſame.

Sect. 8. "Provided always, and be it further enacted by the authority aforeſaid, That it ſhall and may be lawful for any perſon convicted before any two juſtices of the peace as before mentioned, to appeal to the juſtices of the peace aſſembled at the next general quarter-ſeſſions, or general ſeſſions, to be held for the county, city, or place, wherein ſuch conviction ſhall be made, giving immediate notice of ſuch appeal, and finding ſufficient ſecurity to the ſatisfaction of ſuch juſtices for being perſonally preſent at ſuch general quarter-ſeſſions, or general ſeſſions, and for proſecuting the ſaid appeal with effect, and abiding the judgment of the court; and ſuch juſtices in ſuch general quarter-ſeſſions, or general ſeſſions, ſhall finally hear and determine the matter, and ſhall have power to award reaſonable coſts to either party, as to them ſhall ſeem juſt; and if ſuch conviction ſhall be affirmed at ſuch general quarter-ſeſſions, or general ſeſſions; ſuch appellant ſhall be committed to priſon for the time ſpecified in the ſaid conviction, and until payment of the coſts ſo to be awarded. Perſons aggrieved may appeal to the quarter-ſeſſions.

Sect. 9. "Provided alſo, and be it further enacted by the authority aforeſaid, That no action ſhall be brought againſt any juſtice of the peace, conſtable, headborough, or other officer, or againſt any other perſon or perſons whomſoever, for any matter or thing whatſoever done or committed under, by virtue, or in the execution of this act, unleſs ſuch action ſhall be brought within ſix calendar months next after the doing or committing of ſuch matter or thing. Limitation of actions.

Sect. 10. "Provided alſo, That if any action or ſuit ſhall hereafter be commenced or proſecuted againſt any perſon or perſons for any thing done under, by virtue, or in the execution of this act, ſuch perſon or perſons may plead the general iſſue, and give this act, and the ſpecial matter, in evidence; and if the plaintiff ſhall become nonſuited, or ſuffer diſcontinuance, or forbear further proſecution, or if judgment ſhall be given for the defendant or defendants, ſuch defendant or defendants ſhall recover his, her, or their full coſts, for which he, ſhe, or they, ſhall have like remedy as in caſes where coſts by law are given to defendants. General iſſue. Full coſts.

Publick act.

Sect. 11. "And be it further enacted by the authority aforeſaid, That this act ſhall be taken and allowed to be a publick act in all courts within this kingdom of *Great Britain*, and all judges and juſtices of the peace are hereby required to take notice thereof as ſuch without ſpecially pleading the ſame.

Shire-Hall.

STAT. 9 *Geo.* 3, *c.* 20. [*A. D.* 1768, *intituled*,] "An act to enable the juſtices of the peace in the general quarter-ſeſſions of their reſpective counties and diviſions to repair the ſhire-halls, county-halls, or other buildings, wherein the aſſizes or grand ſeſſions are uſually held."

Preamble.

Sect. 1. "Whereas doubts have ariſen in ſeveral counties within the kingdom of *England*, and principality of *Wales*, whether there be any lawful authority for repairing ſhire-halls, or other buildings uſually made uſe of for the holding the aſſizes or grand ſeſſions within ſuch counties: for the clearing ſuch doubts, and for making proviſion for repairing the ſame whenever it ſhall be neceſſary, May it pleaſe your majeſty that it may be enacted; and be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall and may be lawful for the juſtices of the peace in their reſpective general or quarter-ſeſſions, or the greater part of them then and there aſſembled, within the limits of their commiſſions, upon preſentment of the grand jury at the aſſizes or great ſeſſions, or general gaol delivery held for the ſaid county at their ſhire-hall, or other building uſually made uſe of for the holding the aſſizes or great ſeſſions within ſuch county, of the ill ſtate and condition of any ſuch ſhire-hall, or other building, and the neceſſity of repairing the ſame, to order and direct, in purſuance of ſuch preſentment, ſuch ſhire-hall or other building, to be repaired in ſuch manner as they in their diſcretions ſhall think fit; and ſhall aſſeſs and rate all and every ſum and ſums of money which ſhall be laid out and expended in repairing the ſame upon the ſeveral hundreds, lathes, wapentakes, rapes, cities, towns, pariſhes, townſhips, wards, or other diviſions, of the ſaid county; and to cauſe and direct the ſame to be collected, levied, and paid, in the ſame manner, and by and to the ſame officers and other perſons, and under the ſame conditions, terms, limitations, reſtrictions, pains, penalties, and forfeitures, as other county rates are ordered and directed to be aſſeſſed, rated, collected, levied, and paid, in and by an act paſſed in the twelfth year of the reign of his late majeſty

The juſtices at their quarter-ſeſſions are impowered, upon preſentment of the grand-jury at the aſſizes, &c.

to repair ſuch ſhire-halls, &c. as ſhall be preſented to them to be out of repair, &c. and to make a rate for defraying the charges thereof, to be levied, &c. as directed by acts

king *George* the ſecond, intituled, *An act for the more eaſy aſſeſſing, collecting, and levying county rates:* and in and by a clauſe in an act paſſed in the thirteenth year of the ſaid king, intituled, *An act to continue ſeveral laws therein mentioned for puniſhing ſuch perſons as ſhall wilfully and maliciouſly pull down or deſtroy turnpikes; for repairing highways or locks, or other works erected by authority of parliament for making rivers navigable; for preventing exactions of the occupiers of locks and weirs upon the river of* Thames *weſtward, and for aſcertaining the rates of water carriage upon the ſaid river; for preventing frivolous and vexatious arreſts; and for better ſecuring the lawful trade of his majeſty's ſubjects to and from the* Eaſt Indies, *and for the more effectual preventing all his majeſty's ſubjects trading thither under foreign commiſſions; and for limiting the time for ſuing forth writs of* certiorari *upon proceedings before juſtices of the peace, and for regulating the time and manner of applying for the ſame; for the better and more ſpeedy execution of proceſs within particular franchiſes or liberties; and for extending the powers and authorities of juſtices of peace of counties, touching county rates, to the juſtices of the peace of ſuch liberties and franchiſes as have commiſſions of the peace within themſelves.* 12 Geo. 2, & 13 Geo. 2.

Sect. 2. " Provided always, and be it further enacted by the authority aforeſaid, That in caſes where any ſhire-hall, county-hall, or other building uſually made uſe of for the holding the aſſizes or great ſeſſions, hath for time out of mind been repaired at the expence of any particular perſon or perſons, riding or ridings, diviſion or diviſions, part or parts, of any county or ſhire, the ſame ſhall for ever hereafter be repaired at the expence of the inhabitants of ſuch riding or ridings, diviſion or diviſions, part or parts, as they have heretofore been; and the ſum and ſums of money to be laid out in repairing the ſame ſhall be aſſeſſed, rated on, and collected, levied and paid, by ſuch diviſion or diviſions, part or parts, of ſuch county, in the manner in this act herein before directed.

But where any ſhire-hall, &c. has time out of mind been repaired at the expence of particular places, &c. the ſame is to be kept in repair at the expence of the inhabitants of ſuch places, &c.

Sect. 3. " Provided nevertheleſs, and it is hereby further enacted, That if there ſhould be occaſion for any ſudden repairs which will not coſt more than the ſum of thirty pounds, it ſhall be lawful for any two juſtices of the peace of ſuch county, diviſion, riding or place, after having viewed the ſame, and an eſtimate of able workmen made of the expence thereof, to order the ſame to be repaired, and the money to be raiſed upon the county, in the ſame manner as it is by this act appointed to be raiſed after a preſentment of the grand jury.

Where ſudden repairs, not exceeding thirty pounds are wanted, two juſtices may make an order therein.

Sect. 4. " Provided, and be it alſo further enacted, That all cities, corporations, rapes, wapentakes, boroughs, towns, ports, pariſhes, townſhips, or other places, or diviſions, or perſon or perſons, which are now bound and obliged by law and ancient uſage to repair any ſuch ſhire-hall, county-hall, or other buildings for the holding the aſſizes or great ſeſſions, or to furniſh the ſame with benches, tables, rails, or other fixtures, and to keep the ſame in repair, ſhall for ever hereafter be bound and obliged

Cities, and other places, and perſons bound by law and ancient uſage, to repair, or furniſh, any ſhire-hall,

&c. are ſtill bound to do the ſame.

to repair the ſame, and to furniſh the ſame with benches, tables, rails, and other fixtures, and to keep the ſame in repair; any thing in this act to the contrary notwithſtanding.

Sect. 5. "And be it further enacted by the authority aforeſaid, That if any action, plaint, ſuit, or information, ſhall be commenced or proſecuted againſt any perſon or perſons for what he or they ſhall do in purſuance or in execution of this act, ſuch perſon or perſons ſo ſued in any

Generaliſſue.

court whatſoever ſhall and may plead the general iſſue, Not guilty; and upon any iſſue joined may give this act and the ſpecial matter in evidence; and if the plaintiff or proſecutor ſhall become nonſuit, or forbear further

Treble coſts.

proſecution, or ſuffer a diſcontinuance, or if a verdict paſs againſt him, the defendants ſhall recover their treble coſts, for which they ſhall have the like remedy as in any caſe when coſts by the law are given to defendants.

Silks.

STAT. 6 *Geo.* 3, *c.* 28, [*A. D.* 1765, *intituled*,] "An act to prohibit the importation of foreign wrought ſilks and velvets, for a limited time; and for preventing unlawful combinations of workmen employed in the ſilk manufacture."

Preamble.

Sect. 1. "Whereas great quantities of foreign wrought ſilks and velvets are daily brought into and ſold in *Great Britain*, to the prejudice of the ſilk manufacture of theſe kingdoms: For redreſs whereof, it is expedient that the importation of ſuch goods into *Great Britain*, and the iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, and *Man*, ſhould be prohibited for a limited time; be it therefore enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the fourteenth day of *June*, one thouſand ſeven hundred and ſixty-ſix, no foreign wrought ſilks or velvets ſhall be imported or brought into *Great Britain*, or the iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, upon pain of being ſeized and forfeited, and upon the further penalty of one hundred pounds of lawful money of *Great Britain*, to be paid by the importer thereof, for each piece or remnant ſo imported, together with coſts of ſuit.

From and after 14 June, 1766, no foreign wrought ſilks or velvets may be imported, on penalty of forfeiture, and 100l.

Sect. 2. "And be it further enacted by the authority aforeſaid, That from and after the ſaid fourteenth day of *June*, one thouſand ſeven hundred and ſixty ſix, no mercer, haberdaſher, upholder, mantua-maker, milliner, taylor, or other perſon or perſons whatſoever, ſhall vend, utter, ſell, or expoſe to ſale, or exchange, barter, truck, or otherwiſe diſpoſe of, any foreign wrought ſilk or velvet, wove, wrought, fabricated, or manufactured,

nor may any ſuch be ſold, or expoſed to ſale, exchanged, trucked, or worked up,

factured, in foreign parts, and which ſhall not have been imported before the fourteenth day of *June*, one thouſand ſeven hundred and ſixty-ſix, or ſew, work, or make up, the ſame, for, in, or upon, any garment, or wearing apparel or furniture whatſoever; upon pain that all and every ſuch foreign wrought ſilk or velvet, garment or garments, or furniture, or other work made thereof, ſo ſold, or expoſed to ſale, exchanged, bartered, trucked, or diſpoſed of, or ſewed, worked, or made up, for, in, or upon, any garment, or wearing apparel or furniture, or other work, and the garment, wearing apparel, furniture, or other materials, in, with, or upon which the ſame ſhall be ſo ſewed, wrought, or made up, ſhall be ſeized and forfeited; and all and every perſon and perſons who ſhall vend, utter, ſell, or expoſe to ſale, exchange, barter, truck, or diſpoſe of, or knowingly ſew, work, or make up, or cauſe or procure to be ſewed, wrought, or made up, for, in, or upon, any garment, or wearing apparel or furniture, or other work, any ſuch foreign wrought ſilk, fabricated, or manufactured, in foreign parts, and not imported before the ſaid fourteenth day of *June*, one thouſand ſeven hundred and ſixty-ſix, ſhall, for every ſuch offence, forfeit the ſum of one hundred pounds of lawful money of *Great Britain*, together with coſts of ſuit.

not being imported before the ſaid time,

on penalty of forfeiture thereof, &c.

and 100l. with coſts of ſuit.

Sect. 3. "And be it further enacted by the authority aforeſaid, That all foreign wrought ſilk or velvet, or other work made thereof, wove, wrought, fabricated, or manufactured, in foreign parts, which after the ſaid fourteenth day of *June*, one thouſand ſeven hundred and ſixty-ſix, ſhall be imported into this kingdom, or into *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, whether the ſame ſhall be mixed with, ſewed on, or made up with, any other goods or materials, or otherwiſe, and the apparel, garment, or furniture, or other materials, in, with, or upon, which the ſame ſhall be mixed, ſewed, or made up, may be ſeized, and, after condemnation, ſhall be forfeited; and the mercer, haberdaſher, upholder, mantua-maker, milliner, taylor, or other dealer in, or vender or maker up of any of the ſaid manufactures, in whoſe houſe, warehouſe, cuſtody, or poſſeſſion, the ſame ſhall be found and ſeized, being thereof convicted, ſhall, for every piece or remnant of ſuch foreign ſilk or velvet, or other work made thereof, that ſhall be ſeized and found in his, her, or their houſe, ſhop, warehouſe, cuſtody, or poſſeſſion, as aforeſaid, and which ſhall have been brought, placed, or continued there, with his, her, or their knowledge, privity, or conſent, forfeit the ſum of one hundred pounds of lawful money of *Great Britain*, together with coſts of ſuit.

The ſaid goods may be ſeized, &c.

and the venders, &c. in whoſe poſſeſſion the ſame ſhall be found,

forfeit 100l.

Sect. 4. "And be it further enacted by the authority aforeſaid, That forthwith after the ſeizure of any ſuch foreign wrought ſilks or velvets, or other works made thereof as aforeſaid, or as ſoon after as conveniently may be, the ſame ſhall be ſent to, and depoſited in one of the king's warehouſes belonging to the *Cuſtom-houſe* at *London*; and all and every ſuch foreign wrought ſilks and velvets may, from time to time, be viewed and inſpected by any perſon or perſons on behalf of the proſecutor or proſecutors, or of the perſon or perſons intereſted in, or claiming the ſaid ſilks and velvets; and the commiſſioners of his majeſty's cuſtoms are hereby required

Seizure to be depoſited in one of the king's warehouſes,

and to be free to inſpection;

required to make and give ſufficient orders, from time to time, for that purpoſe; and after condemnation thereof, in due courſe of the law, all and every ſuch ſilks and velvets ſhall be publickly ſold to the beſt advantage for exportation by the candle; and one moiety of the produce of money ariſing by the ſale of ſuch ſilks or velvets, ſhall be to the uſe of his majeſty, his heirs, and ſucceſſors, and the other moiety thereof to the uſe of the officer or officers who ſhall ſeize and ſecure the ſame; and no ſuch foreign wrought ſilks or velvets ſhall be conſumed or uſed in this kingdom, or in *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, but ſhall be exported again to ſome port or place beyond the ſeas, and ſhall not be ſold otherwiſe than on condition to be exported as aforeſaid; and ſuch ſilks and velvets ſhall not be delivered out of the warehouſe or place wherein the ſame ſhall have been ſecured, until ſufficient ſecurity be firſt given to the king's majeſty, his heirs, and ſucceſſors, which the commiſſioners of his majeſty's cuſtoms are hereby impowered and required to take, that the ſame and every part thereof ſhall be exported as aforeſaid, and not landed again in any part of *Great Britain*, or *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*; which ſecurities ſhall be diſcharged without fee or reward, upon certificate returned under the common ſeal of the chief magiſtrate in any place or places beyond the ſeas, or under the hands and ſeals of two known *Engliſh* merchants at ſuch place, that the goods were there landed, or upon proof by two credible perſons that ſuch goods were taken by enemies, or periſhed in the ſeas, the examination and proof thereof being hereby left to the judgment of the ſaid commiſſioners; which commiſſioners are hereby impowered and required, from time to time, to call upon the perſon or perſons who have entered into ſuch ſecurity, to produce ſuch certificate, or proof as aforeſaid; and in default of producing ſuch certificate, or proof to the ſatisfaction of the ſaid commiſſioners, ſuch ſecurities to be put in ſuit and proſecuted, by order of the ſaid commiſſioners, againſt the perſon or perſons who ſhall ſo make default, in ſuch manner as offences of the like kind are ſued or proſecuted by any law or ſtatute of this realm.

and to be publickly ſold. after condemnation, to the beſt bidder, for exportation;

for which ſecurity is to be given, before delivery of the goods out of the warehouſe.

Certificate to be returned of ſuch exportation; or proof made of the goods being taken, or having periſhed at ſea;

otherwiſe the ſecurities are to be put in ſuit.

Sect. 5. "And be it further enacted by the authority aforeſaid, That all pecuniary penalties and forfeitures, by this act impoſed, ſhall and may be ſued for and recovered by action of debt, bill, plaint, or information, in any of his majeſty's courts of record at *Weſtminſter*, or in the court of *Exchequer* in *Scotland*, or in the royal courts of *Jerſey* and *Guernſey*, or in any courts to be holden in his majeſty's name, or by virtue of his authority, in the *Iſle of Man*, reſpectively, where the offence ſhall be committed, together with coſts of ſuit, in the name of his majeſty's attorney-general, or in the name of his majeſty's advocate in *Scotland*, or in the name or names of ſome officer or officers of the cuſtoms; wherein no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; and that one moiety of every ſuch penalty and forfeiture ſhall be to the uſe of the king's majeſty, his heirs, and ſucceſſors, and the other moiety thereof, to ſuch perſon or perſons who ſhall ſue or proſecute for the ſame.

Recovery and application of the penalties and forfeitures.

Sect. 6.

Sect. 6. "Provided always, and be it further enacted, That if any officer or officers of the cuſtoms ſhall neglect or refuſe, for the ſpace of one month after the condemnation of ſuch goods, to proſecute to effect any perſon or perſons for any pecuniary penalty or forfeiture by this act inflicted upon offenders againſt the ſame; that then, and in every ſuch caſe, it ſhall be lawful for any perſon or perſons whomſoever to ſue for, proſecute, and recover, the reſpective pecuniary penalties or forfeitures by this act inflicted, in like manner as is herein before directed with regard to the officers of the cuſtoms; and one moiety of the ſaid reſpective forfeitures, when recovered, ſhall, in ſuch caſe, go and be applied to the uſe of his majeſty, his heirs, and ſucceſſors; and the other moiety, to the perſon or perſons who ſhall ſue or proſecute for the ſame reſpectively.

Officer neglecting to proſecute for any pecuniary penalty, any other perſon may ſue for and recover the ſame.

Sect. 7. "And be it further enacted by the authority aforeſaid, That if any ſuch foreign wrought ſilks or velvets ſhall be ſeized by virtue and in purſuance of this act, and any doubt or queſtion ſhall ariſe where the ſame were manufactured, the proof ſhall lie upon the owner or claimer of ſuch goods, or the perſon proſecuted for being guilty of an offence againſt this act, and not upon the proſecutor or proſecutors, plaintiff or plaintiffs; and in caſe no proof ſhall be given and fully made to the ſatisfaction of the court where ſuch ſuit or proſecution ſhall be depending, that ſuch ſilks or velvets were manufactured in *Great Britain*, then the ſame ſhall, without any farther proceeding, be taken and held to have been manufactured out of *Great Britain*, and contrary to, and in violation of, this act; any law, uſage, or cuſtom, to the contrary notwithſtanding.

Where the goods ſeized ſhall not be proved by the owner, &c. to be manufactured in Great Britain, the court ſhall deem them of foreign manufacture.

Sect. 8. "Provided always, That nothing in this act contained, ſhall extend, or be conſtrued to extend, to inflict any penalty on the wearer of ſuch foreign wrought ſilk or velvet, or other work made thereof, or the owner of any furniture made thereof; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

The wearer of ſuch goods or owner of furniture made thereof, not liable to forfeit.

Sect. 9. "And be it further enacted by the authority aforeſaid, That upon every action, bill, plaint, or information, entered, filed, and proſecuted, for any pecuniary penalty impoſed by this act, coſts ſhall be allowed, and attend the event of ſuch ſuit or proſecution on either ſide; for which the parties ſhall have the like remedy as in other caſes where coſts are allowed to plaintiffs or defendants.

Coſts to be allowed in all proſecutions for pecuniary penalties.

Sect. 10. "And be it further enacted by the authority aforeſaid, That in every ſuit or proſecution for recovery of the pecuniary penalties impoſed by this act, the proof where the goods were manufactured ſhall lie upon the perſon proſecuted, and not upon the proſecutor; and in caſe the goods, on account of which ſuch ſuit or proſecution ſhall be commenced, ſhall have been condemned in courſe of law, when ſuch ſuit or proſecution for the pecuniary penalty is brought to trial, the judgment of ſuch condemnation ſhall be admitted and allowed to be given as evidence, that ſuch goods, ſo ſeized and condemned, were not manufactured in *Great Britain*, ſo as to intitle the plaintiff or proſecutor, in ſuch ſuit or proſecution, to recover the penalties and forfeitures by this act impoſed; and the proof of ſuch judgment or condemnation to be made, given, and allowed, in ſuch

Proof, where the goods were manufactured, to lie on the perſon proſecuted.

Judgment of condemnation of the goods ſufficient to entitle the proſecutor to recover.

and

and the like manner, as proof of judgments in any of his majeſty's courts of record at *Weſtminſter*, in other caſes, are uſually made, given, and allowed in any of the ſaid courts, and not otherwiſe; any law, uſage, or cuſtom, to the contrary notwithſtanding.

Commencement and continuance of this act.

Sect. 11. "And be it further enacted by the authority aforeſaid, That this act ſhall commence and take place from and after the ſaid fourteenth day of *June*, one thouſand ſeven hundred and ſixty-ſix; and ſhall continue and be in force for the ſpace of five years, and from thence to the end of the then next ſeſſion of parliament, and no longer.

Limitation of actions.

Sect. 12. "Provided always, and it is hereby enacted and declared, That all informations, bills, actions, and ſuits, that ſhall be had, brought, commenced, ſued, or exhibited, for any forfeiture or offence committed againſt this act, ſhall and may be had, brought, commenced, ſued, and exhibited, within twelve calendar months after the diſcovery of ſuch offence; and, in caſe of ſeiſure and condemnation, within ſix calendar months after judgement of condemnation ſhall be obtained thereon.

Certain goods not within the extent of this act.

Sect. 13. "Provided always, and be it further enacted by the authority aforeſaid, That nothing in this act contained ſhall extend, or be conſtrued to extend, to any wrought ſilk or velvet which ſhall be manufactured in, and imported from, the *Eaſt-Indies*; or to any ſilk crapes, or tiffanies, of the manufacture of *Italy*.

General iſſue.

Sect. 14. "And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall be ſued or proſecuted for any thing done in purſuance of this act, he or they may plead the general iſſue, and give this act, and the ſpecial matter, in evidence at any trial to be had thereupon; and that the ſame was done in purſuance and by the authority of this act; and if it ſhall appear to have been ſo done, then the jury ſhall find for the defendant or defendants; and if the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action or actions, after the defendant or defendants ſhall have appeared; or if judgement ſhall be given upon any verdict or demurrer againſt the plaintiff or plaintiffs, the defendant or defendants ſhall have treble coſts, for which they ſhall have the like remedy, as defendants have in other caſes by law where coſts are allowed to defendants.

Treble coſts.

Recital of clauſe in act 12 Geo. 1, relating to the woollen manufacture.

Sect. 15. "And whereas by an act made in the twelfth year of his majeſty king *George* the firſt, intituled, *An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages*; there is contained a clauſe, whereby it is enacted, That if any perſon or perſons ſhall, by day or by night, break into any houſe or ſhop, or enter by force into any houſe or ſhop, with intent to cut or deſtroy any ſerge, or other woollen goods, in the loom, or any tools employed in the making thereof; or ſhall wilfully or maliciouſly cut or deſtroy any ſuch ſerges, or woollen goods, in the loom, or on the rack; or ſhall burn, cut, or deſtroy, any rack, on which any ſuch ſerges, or other woollen goods, are hanged in order to dry; or ſhall wilfully and maliciouſly break or deſtroy any tools uſed in the making any ſuch ſerges, or other woollen goods, not having the conſent of the owner ſo to do; every

ſuch

ſuch offender, being thereof lawfully convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death, as in caſes of felony, without benefit of clergy: And whereas it is neceſſary and expedient that the proviſion contained in the ſaid clauſe ſhould be extended to the ſilk manufacture of this kingdom; be it therefore enacted by the authority aforeſaid, That if any perſon or perſons ſhall, by day or by night, break into any houſe or ſhop, or enter by force into any houſe or ſhop, with intent to cut or deſtroy any velvet, wrought ſilk, or ſilk mixed with any other materials, or other ſilk manufacture, in the loom, or any warp or ſhute, tools, tackle, or utenſils; or ſhall wilfully and maliciouſly cut or deſtroy any velvet, wrought ſilk, or ſilk mixed with any other materials, or other ſilk manufacture, in the loom, or any warp or ſhute, tools, tackle, or utenſils, prepared or employed in or for the making thereof; or ſhall wilfully and maliciouſly break or deſtroy any tools, tackle, or utenſils, uſed in or for the weaving or making any ſuch velvet, wrought ſilks, or ſilks mixed with any other materials, or other ſilk goods, or ſilk manufacture, not having the conſent of the owner ſo to do; every ſuch offender, being thereof lawfully convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death, as in caſes of felony, without benefit of clergy."

The proviſions in the recited clauſe extended to the ſilk manufacture; and offenders are ſubject to ſuffer death, as in caſes of felony, without benefit of clergy.

Tranſportation.

STAT. 8 *Geo.* 3, *c.* 15, [*A. D.* 1768, *intituled*,] "An act for the more ſpeedy and effectual tranſportation of offenders."

"Whereas ſeveral offenders, convicted of crimes for which they are by law excluded the benefit of clergy, are reprieved by the judge who tries them, and recommended by him to his majeſty's mercy; who generally, on ſuch recommendation, is graciouſly pleaſed to extend the ſame to them, on condition of tranſportation to ſome of his majeſty's colonies and plantations in *America* for life, or for the term of fourteen years; and ſuch intention of mercy is ſignified by one of his majeſty's principal ſecretaries of ſtate to the judges at the next aſſizes after ſuch conviction, who thereupon orders ſuch offenders to be tranſported accordingly: And whereas, by this method of ordering the tranſportation, ſuch offenders lie ſeveral months in gaol after conviction; whereby they are rendered leſs capable of being uſeful to the public in the parts of *America* to which they are ſent: For remedy thereof, may it pleaſe your majeſty that it may be enacted, and be it enacted by the king's moſt excellent

Preamble.

majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That where any offender ſhall hereafter be convicted of any crimes for which he or ſhe is by law to be excluded the benefit of clergy, and the judge, or juſtice of oyer and terminer or gaol delivery, in any county, city, or place, before whom any ſuch offender ſhall be convicted or condemned, ſhall grant a reprieve for the ſtaying of execution of ſuch offender, and recommend him or her to his majeſty as a proper object of his majeſty's mercy: if his majeſty, his heirs, or ſucceſſors, ſhall be graciouſly pleaſed to extend royal mercy to any ſuch offender upon condition of tranſportation to any part of *America*, and ſuch intention of mercy ſhall be ſignified by one of his majeſty's principal ſecretaries of ſtate to the judge ſo recommending; it ſhall and may be lawful for every ſuch judge, or juſtice of oyer and terminer or gaol-delivery, to make an order for the immediate tranſportation of every ſuch offender, in the ſame manner as if ſuch intention of mercy had been ſignified to him by one of his majeſty's principal ſecretaries of ſtate, during the continuance of the aſſizes at which ſuch offender was condemned; and ſuch order ſhall be conſidered as an order made at ſuch aſſizes or place, and ſhall be as effectual, to every intent and purpoſe, and ſhall have all the ſame conſequences in every reſpect, as any order for the tranſportation of any offender made by any juſtice of oyer and terminer or gaol-delivery for ſuch county, city, or place; and ſuch offender ſhall be transferred, conveyed, and made over, to any perſon who will contract for the performance of ſuch tranſportation, and to his and their aſſigns, for the term of fourteen years, in caſe ſuch condition of tranſportation be general; or elſe for ſuch other term or terms as ſhall be made part of ſuch condition, if any particular time be ſpecified by his majeſty, his heirs and ſucceſſors, as aforeſaid; and ſuch perſon or perſons ſo contracting as aforeſaid, his or their aſſigns, by virtue of ſuch order of tranſfer as aforeſaid, ſhall have a property and intereſt in the ſervice of the ſaid offender, for ſuch terms as aforeſaid; and ſuch tranſportation ſhall have the effect of a pardon under the great ſeal for ſuch offender, as to the crime of which he or ſhe was ſo convicted: but if ſuch offender, ſo ordered for tranſportation, ſhall be afterwards at large within any part of this kingdom of *Great Britain*, without ſome lawful cauſe, before the expiration of the term for which ſuch offender ſhall have been ordered to be tranſported; every ſuch perſon, being thereof lawfully convicted, ſhall ſuffer death as in caſes of felony, without benefit of clergy; and ſhall be tried before ſuch judges, and in ſuch manner, and the ſame evidence made uſe of for his or her conviction, as are directed, by the laws now in being, for the trial of other felons found at large within this kingdom before the expiration of the term for which they were ordered to be tranſported: and whoever ſhall diſcover, apprehend, and proſecute to conviction of felony without benefit of clergy, any ſuch offender ſo found at large within this kingdom, ſhall be intitled to the like reward of twenty pounds, and certificate, and in the ſame manner, as any perſon may be intitled to for diſcovering, apprehending, and proſecuting to conviction

Where his majeſty's mercy ſhall be extended to any offender, upon condition of tranſportation, and the ſame be ſignified to the judge by one of the principal ſecretaries of ſtate, ſuch judge may make order for the immediate tranſportation of ſuch offender;

who ſhall thereupon be transferred and made over to the contractor, &c.

who ſhall have a property in the ſervice of ſuch offender for the term for which he or ſhe is to be tranſported.

Offender afterwards ſeen at large in Great Britain, without lawful cauſe, before the expiration of the ſaid term, is to ſuffer death; and the perſon apprehending and proſecuting ſuch perſon to conviction, is in-

conviction, any perſon ordered to be tranſported, and found at large within this kingdom before the expiration of the term for which ſuch perſon was ordered to be tranſported. titled to 20l. reward, and a certificate.

Wood.

STAT. 6 *Geo.* 3, *c.* 36, [*A. D.* 1765, *intituled*] "An act for encouraging the cultivation, and for the better preſervation of trees, roots, plants, and ſhrubs."

"Whereas divers perſons have, of late years, wilfully and maliciouſly cut down, barked, or otherwiſe deſtroyed, timber trees, and trees ſtanding for, and likely to become, timber, growing as well in the ſeveral foreſts, chaſes, and other open grounds, as in the woods and plantations, and incloſed grounds, within this kingdom, to the great detriment of the owners of ſuch trees, and to the diſcouragement of planting in general, ſo beneficial to *Great Britain*: And whereas the diſpoſition of nurſery-men to improvements in planting and gardening, through *Great Britain*, is alſo of great uſe to the publick; and many nurſery-men, gardeners, and others, have collected and cultivated, at great expence, roots, ſhrubs, and plants, of every country, and imported, cultivated, and exported, great quantities thereof, and do thereby ſupport themſelves and many others of his majeſty's ſubjects: And whereas many evil-diſpoſed perſons, well knowing the value of ſuch roots, ſhrubs, and plants, have, of late years, frequently entered into nurſeries, gardens, and other incloſed grounds in general, and of the nurſery-men and gardeners in particular, and have dug up, taken, or carried away, out of ſuch nurſeries, gardens, and grounds, roots, ſhrubs, and plants, and likewiſe deſtroyed others on the ſpot, to a very conſiderable value; be it therefore enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from and after the ſecond day of *June*, one thouſand ſeven hundred and ſixty-ſix, all and every perſon and perſons who ſhall, in the night-time, lop, top, cut down, break, throw down, bark, burn, or otherwiſe ſpoil or deſtroy, or carry away, any oak, beach, aſh, elm, fir, cheſnut, or aſp, timber tree, or other tree or trees ſtanding for timber, or likely to become timber, without the conſent of the owner or owners thereof firſt had and obtained; or ſhall, in the night-time, pluck up, dig up, break, ſpoil, or deſtroy, or carry away, any root, ſhrub, or plant, roots, ſhrubs, or plants, of the value of five ſhillings, and which ſhall be growing, ſtanding, or being, in the garden- Preamble. Penaly on cuttingdown, ſpoiling, carrying away, &c. in the night-time, any oak or other timber trees; or roots, ſhrubs, or plants, of 5s. value, in any

garden, nursery, or inclosed ground; is felony.

garden ground, nursery ground, or other inclosed ground, of any person or persons whomsoever, shall be deemed and construed to be guilty of felony; and every such person or persons shall be subject and liable to the like pains and penalties as in cases of felony; and the court, by and before whom such person or persons shall be tried, shall, and hereby have authority to transport such person or persons, for the space of seven years, to any of his majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm: and all and every person and persons who shall be wilfully aiding, abetting, or assisting, in such cutting down, breaking, throwing down, barking, burning, or otherwise spoiling or destroying, or carrying away, any such oak, beach, ash, elm, fir, chesnut, or asp, timber tree, or other tree or trees standing for timber, or likely to become timber, as aforesaid; or in such plucking up, digging up, cutting, breaking, spoiling, or destroying, or carrying away, such root, shrub, or plant, roots, shrubs, or plants, as aforesaid, of the value aforesaid; or who shall buy or receive such root, shrub, or plant, roots, shrubs, or plants, of the value aforesaid, knowing the same to be stolen; shall be subject and liable to the same punishment, as if he, she, or they, had stolen the same; any law to the contrary in any wise notwithstanding.

Court impowered to transport the offender for 7 years.

The aiders and abettors therein, and persons who shall buy or receive such roots, shrubs, or plants, knowing the same to be stolen, are liable to like punishment, as if they had stolen the same.

STAT. 6 *Geo.* 3, *c.* 48, [*A. D.* 1765, *intituled*,] "An act for the better preservation of timber-trees, and of woods and underwoods; and for the further preservation of roots, shrubs, and plants."

Preamble.

Sect. 1. Whereas the preservation of timber-trees, or trees likely to become timber, is of great consequence to this kingdom; may it therefore please your majesty, that it may be enacted, and be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, every person who shall wilfully cut or break down, bark, burn, pluck up, lop, top, crop, or otherwise deface, damage, spoil, or destroy, or carry away, any timber-tree or trees, or trees likely to become timber, or any part thereof, or the lops or tops thereof, without the consent of the owner or owners thereof first had and obtained, or, in any of his majesty's forests or chases, without the consent of the surveyor or surveyors, or his or their deputy or deputies, or person or persons intrusted with the care of the same, and shall be thereof convicted upon the oath of one or more credible witness or witnesses before any one or more of his majesty's justices of the peace for the county, city, riding, division, district, or place, wherein such offence shall have been committed, shall, for the first offence, forfeit and pay such sum of money, not exceeding twenty pounds, as to such justice or justices shall seem meet, together with the charges previous to and attending such conviction, to be ascertained by such

From and after 24 June, 1766, persons convicted of damaging, destroying, or carrying away any timber-trees, &c. or the lops or tops thereof, without consent of the owner, &c.

forfeit for the first offence, not exceeding 20*l.* with the

ſuch juſtice or juſtices who ſhall convict the offender; and upon non-payment thereof, ſuch juſtice or juſtices ſhall commit the offender to the common gaol of the county or place where the offence ſhall be committed, there to remain without bail or mainprize for any time not exceeding twelve months, nor leſs than ſix months, or until the penalty and charges ſhall be paid; and if any perſon ſo convicted ſhall be guilty of the like offence a ſecond time, and ſhall be thereof convicted in like manner, ſuch perſon ſhall forfeit and pay ſuch ſum of money, not exceeding thirty pounds, as to ſuch juſtice or juſtices ſhall ſeem meet, together with the charges previous to and attending ſuch conviction, to be aſcertained by ſuch juſtice or juſtices who ſhall convict the offender; and upon non-payment thereof, ſuch juſtice or juſtices ſhall commit the offender to the common gaol of the county or place where the offence ſhall be committed, there to remain without bail or mainprize for any time not exceeding eighteen months, nor leſs than twelve months, or until the penalty and charges ſhall be paid; and if any perſon ſo convicted ſhall be guilty of the like offence a third time, and ſhall be thereof convicted in like manner, ſuch perſon ſhall be deemed guilty of felony, and the court, by and before whom ſuch perſon ſhall be tried, ſhall and hereby hath authority to tranſport ſuch perſon or perſons, for the ſpace of ſeven years, to any of his majeſty's plantations in *America*, in like manner as other felons are directed to be tranſported by the laws and ſtatutes of this realm.

charges attending; and on non-payment, are to be committed for not more than 12, nor leſs than 6 months; for the ſecond offence, a ſum not exceeding 30l. &c. and on non-payment, are to be committed for not more than 18, nor leſs than 12 months; and for the third offence, are to be tranſported for 7 years.

Sect. 2. "And be it enacted by the authority aforeſaid, That all oak, beech, cheſnut, wallnut, aſh, elm, cedar, fir, aſp, lime, ſycamore, and birch-trees, ſhall be deemed and taken to be timber-trees within the true meaning and proviſion of this act.

What trees are deemed timber-trees within the meaning of the act.

Sect. 3. "And whereas many idle and diſorderly perſons have, of late years, made a practice of plucking or digging up, cutting, ſpoiling, or deſtroying, and taking or carrying away, divers and ſundry ſorts of roots, ſhrubs and plants (many of which are of great value) out of the fields, nurſeries, gardens, and garden-grounds, and other cultivated lands, of divers of his majeſty's ſubjects; be it therefore enacted by the authority aforeſaid, That from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, all and every perſon who ſhall pluck up, or cut, ſpoil, or deſtroy, or take or carry away, any root, ſhrub, or plant, roots, ſhrubs, or plants, out of the fields, nurſeries, gardens, or garden-grounds, or other cultivated lands, of any perſon or perſons whomſoever, without the conſent of the owner or owners thereof firſt had and obtained, and ſhall be thereof convicted upon the oath of one or more credible witneſs or witneſſes before any one or more juſtice or juſtices of the peace for the county, city, riding, diviſion, diſtrict, or place, wherein ſuch offence ſhall have been committed, ſhall, for the firſt offence, forfeit and pay ſuch ſum and ſums of money as to ſuch juſtice or juſtices ſhall ſeem meet, not exceeding forty ſhillings, together with the charge previous to and attending ſuch conviction, to be aſcertained by ſuch juſtice or juſtices who ſhall convict the ſaid offender; and if any perſon ſo convicted ſhall again commit the like offence,

Perſons convicted of plucking up, ſpoiling, or taking away, any root, ſhrub, or plant, out of private cultivated ground,

forfeit for the 1ſt offence, any ſum not exceeding 40s. with the charges;

for the 2d offence, a sum not exceeding 5 l. with the charges; and for the 3d offence, are to be transported for 7 years.

offence, and shall be thereof convicted in manner aforesaid, such person and persons being so convicted shall, for such second offence, forfeit and pay such sum of money as to the said justice or justices shall seem meet, not exceeding five pounds, together with the charges previous to and attending the conviction of such offender; and if any person so before convicted, shall a third time commit the like offence, and shall be thereof convicted, such person so convicted shall, for such third offence, be deemed guilty of felony; and the court, before whom such person shall be tried, shall and hereby hath authority to transport such person, for the space of seven years, to any of his majesty's plantations in *America*, in like manner as other felons are directed to be transported by the laws and statutes of this realm.

Sect. 4. "And whereas many idle and disorderly persons have of late years made a practice of going into the woods, underwoods, and wood-grounds, of divers of his majesty's subjects, and there cut, and carried away, great quantities of young wood, of various kinds, for making of poles and walking sticks, and for various other uses; and, in beech, and other woods and underwoods, under pretence of getting firewood, have cut down, boughed, split off, or otherwise damaged or destroyed the growth of the said woods and underwoods, to the great injury and damage of the lawful owners thereof; and whereas the laws now in being are not found sufficient to remedy the aforesaid evils, be it therefore enacted by the authority aforesaid, That all and every person and persons who, from and after the twenty-fourth day of *June*, one thousand seven hundred and sixty-six, shall go into the woods, underwoods, or wood-grounds, of any of his majesty's subjects, not being the lawful owner or owners thereof, and shall there cut, lop, top, or spoil, split down or damage, or otherwise destroy, any kind of wood or underwood, poles, sticks of wood, green stubs, or young trees, or carry or convey away the same; or shall have in his, her, or their custody, any kind of wood, underwood, poles, sticks of wood, green stubs or young trees, and shall not give a satisfactory account how he, she, or they, came by the same, and shall be thereof convicted before any one or more of his said majesty's justices of the peace, on the oath of one or more credible witness or witnesses; shall, for the first offence, forfeit and pay immediately on conviction, any sum not exceeding the sum of forty shillings, together with the charges previous to and attending such conviction, to be ascertained by the said justice or justices who shall convict the offender or offenders: and if any person or persons shall commit any of the offences aforesaid a second time, and shall be thereof again convicted in manner aforesaid; he, she, or they shall forfeit and pay any sum not exceeding the sum of five pounds, together with the charges previous to and attending such conviction, to be ascertained as aforesaid; and if any person or persons shall commit any of the offences aforesaid a third time; that then such person and persons, being duly convicted thereof according to law, shall be deemed and adjudged an incorrigible rogue or rogues, and shall be punished as such.

Persons convicted of cutting, damaging or taking away, any wood, or underwood, poles, sticks, &c. or shall have any such in their custody, without being able to account satisfactorily for the same; forfeit for the first offence any sum not exceeding 40 s. with the charges; and for the 2d offence any sum not exceeding 5 l. with the charges; and for the 3d offence are to be punished as incorrigible rogues.

Sect. 5. "And be it enacted by the authority aforesaid, That his majesty's justices of the peace for the respective counties, cities, ridings, divisions, or places, wherein any of the offences committed against this act shall be done, are hereby authorized to put this act in execution, and to administer an oath to any such credible witness or witnesses.

Power given to justices of the peace to put this act in execution.

Sect. 6. "And whereas the mischiefs intended by this act to be prevented may be evaded on account of the offender's not being able to pay down the sum forfeited, and charges incurred thereby; such offenders frequently having no goods or chattles, whereon the same can be levied; therefore be it enacted, That it shall and may be lawful for such justice or justices, unless the respective forfeitures shall be paid down upon conviction forthwith, where not otherwise directed by this act, by warrant under his or their hands and seals, to commit such offender or offenders for the first offence, to the house of correction for one month, to hard labour, and to be once whipped there; and for the second offence, where not otherwise directed by this act, to the house of correction for three months, to hard labour, and to be whipped there once in every one of the said three months.

Where the respective forfeitures shall not be paid down on conviction, the offenders may be committed to hard labour; for the first offence for one month, and to be once whipped; and for the second offence for three months, and to be twice whipped.

Sect. 7. "And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time, hinder, or attempt to prevent, the seizing or securing any person employed in carrying away any such timber or other trees; every such person so hindering, or attempting to prevent such seizing or securing, shall, for every such offence, forfeit and pay the sum of ten pounds to the person or persons who shall convict such offender: and if the said sum be not immediately paid on conviction, the person or persons so convicted shall be, by the justice or justices before whom he, she, or they, shall be convicted, committed to the house of correction, to hard labour, for any time not exceeding six calendar months.

Persons hindering, or attempting to prevent, seizing offenders, forfeit 10*l.* to the person convicting them; and if not paid down, are to be committed to hard labour, not exceeding six months.

Sect. 8. "And be it further enacted, That one moiety of all and every the forfeitures herein before directed to be paid in pursuance of this act, and not otherwise directed, shall go to the informer, and the other moiety to the person or persons aggrieved.

Application of forfeitures not otherwise directed to be applied.

Sect. 9. "And be it further enacted by the authority aforesaid, That the conviction and convictions of all and every offender and offenders against this act, shall be certified by the justice or justices of the peace before whom the same shall be made, to the next general quarter-sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper in the following form of words (as the case shall happen) or in any form of words to the like effect; that is to say,

Convictions to be certified to the general quarter-sessions, and filed.

To

Form of conviction.

To wit. } BE *it remembered, That on the day of in the year A. B. was, upon the complaint of* C. D. *convicted before of the juſtices of the peace for in purſuance of an act paſſed in the ſixth year of the reign of his majeſty king* George *the third, for* as the caſe ſhall be.

Given under hand and ſeal, the day and year above written.

Which ſaid conviction ſhall be good and effectual in law to all intents and purpoſes; and ſhall not be quaſhed, ſet aſide, or adjudged void or inſufficient, for want of any form or words whatſoever; nor liable to be removed by *certiorari* into his majeſty's court of *King's Bench*, but ſhall be deemed and taken to be final to all intents and purpoſes whatſoever."

Conviction not liable to be quaſhed for want of form, or to be removed.

STAT. 9 *Geo.* 3, *c.* 41, [*A. D.* 1768, *intituled*] *made among other purpoſes*, "for the better preſervation of hollies, thorns, and quickſets, in foreſts, chaſes, and private grounds, and of trees and underwoods in foreſts and chaſes."

Clauſe in act 6 Geo. 3.

Sect. 8. "And whereas by an act made in the ſixth year of his preſent majeſty's reign, intituled, *An act for the better preſervation of roots, ſhrubs, and plants*, it was, amongſt other things, enacted, That all and every perſon and perſons who, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, ſhould go into the woods, underwoods, or wood grounds, of any of his majeſty's ſubjects, not being the lawful owner or owners thereof, and ſhould there cut, lop, top or ſpoil, ſplit down or damage, or otherwiſe deſtroy any kind of wood or underwood, poles, ſticks of wood, green ſhrub, or young trees, or carry or convey away the ſame; or ſhould have in his, her, or their cuſtody, any kind of wood, underwood, poles, ſticks of wood, green ſtubs, or young trees, and ſhould not give a ſatisfactory account how he, ſhe, or they, came by the ſame, and ſhould be thereof convicted before any one or more of his majeſty's juſtices of the peace, on the oath of one or more credible witneſs or witneſſes, ſhould, for the firſt offence, forfeit and pay immediately on conviction, any ſum not exceeding the ſum of forty ſhillings, together with the charges previous to and attending ſuch conviction, to be aſcertained by the ſaid juſtice or juſtices who ſhould convict the offender or offenders; and if any perſon or perſons ſhould commit any of the offences aforeſaid a ſecond time, and ſhould be thereof again convicted in manner aforeſaid, he, ſhe, or they, ſhould forfeit and pay any ſum not exceeding the ſum of five pounds, together with the charges previous to and attending ſuch conviction, to be aſcertained as aforeſaid; and if any perſon or perſons ſhould commit any of the offences aforeſaid a third time, that then ſuch perſon or perſons, being duly convicted thereof according to law, ſhould be deemed and adjudged an incorrigible rogue or rogues, and ſhould be puniſhed as ſuch: and whereas great deſtruction hath of late been made of hollies, thorns, and quickſets, growing

ing upon his majesty's forests and chaces within this kingdom, to the great prejudice of his majesty's deer, and other game therein; and also of hollies, thorns, and quicksets, growing in the woods and wood grounds of his majesty's subjects: for the better preventing such evil practices and abuses for the future, be it enacted by the authority aforesaid, That from and after the first day of *July*, one thousand seven hundred and sixty-nine, the said clause in the said act made in the sixth year of his present majesty's reign, and all and every the penalties, forfeitures, and punishments, thereby inflicted, and all other provisions, clauses, matters, and things, relating thereto, shall extend, and be deemed, taken, and construed to extend, and shall be applied and put in execution, in relation to all his majesty's forests and chaces within this realm; and to all and every person or persons who shall, without legal right or authority, by night or day, cut down, destroy, take, carry, or convey away, any hollies, thorns, or quicksets, growing or being upon any of his majesty's said forests or chaces, or within the wood or wood grounds of any of his majesty's subjects; or who shall have in his, her, or their, custody or possession any such hollies, thorns, or quicksets, and shall not give a satisfactory account how he, she, or they, came by the same, and shall be thereof convicted before any one or more of his majesty's justices of the peace in the manner prescribed and directed by the said act; and such justice or justices is or are hereby authorized to administer oaths, and proceed in the like manner for the conviction and punishment of every offender in the premisses, as fully and effectually to all intents and purposes as if the several provisions in the said act had been particularly repeated and applied to the offences herein before specified.

The recited clause, and all the penalties, &c. thereby inflicted, &c. are extended and applied to all his majesty's forests and chaces; and to persons destroying, or carrying away, any hollies, thorns, or quicksets, &c. and to persons having any such in their custody, for which they cannot satisfactorily account.

Sect. 9. "And be it further enacted by the authority aforesaid, That the conviction and convictions of all and every offender and offenders against this act, shall be certified by the justice or justices of the peace, before whom the same shall be made, to the next general quarter-sessions of the peace, to be filed amongst the records of the said sessions; and that such conviction shall be fairly written on parchment or paper in the following form of words (as the case shall happen) or in any other form of words to the like effect; that is to say,

Conviction of offenders to be certified to the general quarter-session.

To wit. *BE it remembered, that on the day of in the year* A. B. *was upon the complaint of* C. D. *convicted before of the justices of the peace for in pursuance of an act passed in the ninth year of the reign of his majesty king* George *the third, for* (as the case shall be).

Given under hand and seal the day and year above written.

Form of the conviction.

Which said conviction shall be good and effectual in law to all intents and purposes; and shall not be quashed, set aside, or adjudged void or insufficient, for want of any form or words whatsoever, nor be liable to be removed by *certiorari* into his majesty's court of *King's Bench*, but shall be deemed and taken to be final to all intents and purposes whatsoever."

Not liable to be quashed, or removed.

STAT. 10 *Geo.* 3, *c.* 42, *made, among other purpoſes,* "for allowing further time for regiſtering and inrolling agreements entered into for encloſing commons, for the purpoſe of planting and preſerving trees for timber or underwood."

Sect. 4. "And as by an act 29 *Geo.* 2, (ſee vol. 3, p. 1015) intituled, *An act for incloſing, by the mutual conſent of the lords and tenants, part of any common, for the purpoſe of planting and preſerving trees fit for timber or underwood; and for the more effectual preventing the unlawful deſtruction of trees,* it is enacted, That his majeſty, his heirs and ſucceſſors, and all other owners of waſtes, woods, and paſtures in *England*, wherein any perſons or bodies politick or corporate have a right of common of paſture, by and with the aſſent of the major part in number, and value of the owners and occupiers of tenements to which the ſaid right of common of paſture doth belong; and for the major part in number and value of the owners of ſuch tenements, with the aſſent of the owners of ſuch waſtes, woods, and paſtures; and for any other perſons, or body politick or corporate, with the aſſent and grant of the owners of ſuch waſtes and paſtures, and the major part in number and value of the owners of ſuch tenements, to incloſe and keep in ſeveralty, for the growth and preſervation of timber or underwood, any part of ſuch waſtes, *&c.* for ſuch time, in ſuch manner, and upon ſuch conditions, as ſhall be agreed by them reſpectively; and it is by the ſaid act provided, that the recompence to be paid to ſuch owners of ſuch waſtes, *&c.* not having a fee-ſimple therein, or being reſtrained from alienating the ſame, ſhall be either by a grant of a ſhare of the profit which ſhall ariſe from the ſale of the timber, *&c.* growing on the ground ſo incloſed, or by a grant of other lands or hereditaments, or of an annuity, iſſuing out the ſaid ground ſo incloſed, or out of other lands, or hereditaments; ſuch equivalent to be enjoyed by the owners of ſuch waſtes and paſtures, and ſuch as ſhall be intitled to the ſame, in reverſion or ſucceſſion, in like manner as the eſtate in ſuch waſtes or paſtures is limited to be enjoyed: And it is by the ſaid laſt recited act provided, that every agreement for any ſuch incloſure ſhall be in writing, and ſigned by the parties; and the ſame ſhall be inrolled by the clerk of the peace for the county or diviſion where ſuch waſtes, woods, or paſtures, or the greater part of them ſhall lie, within three months next after the execution of ſuch agreement: and as by virtue of agreements made, or intended to have been made, purſuant to the ſaid act, and another act 31 *Geo.* 2, to amend and render more effectual the ſame, divers parts of ſuch waſtes and paſtures as have been incloſed, and are now kept in ſeveralty, for the growth of timber or underwood, and at a great expence have been planted with trees for ornament or profit; but the perſons making ſuch incloſures may have omitted to have their ſaid deeds of agreement regiſtered by the clerk of the peace within three months next after the execution thereof; and in other reſpects the acts may not have been ſtrictly purſued: it is therefore enacted, That every agreement, purporting to be made purſuant to the ſaid acts, ſhall be of the ſame force,

and

and all the ſaid incloſures ſhall be eſtabliſhed in the ſame manner, as if ſuch agreement had been regiſtered by the proper clerk of the peace, purſuant to the ſaid act; provided ſuch agreement had been before the paſſing of the act, or ſhall be, on or before *Dec.* 25, 1770, regiſtered by the clerk of the peace for the county, *&c.* where ſuch waſtes or paſtures, or the greateſt part of them lie.

Sect. 5. "All perſons who think themſelves injured by any ſuch agreement not yet regiſtered, and where the lands incloſed in purſuance thereof have not been already planted with trees as aforeſaid, may make complaint thereof by appeal to the juſtices of the peace at any quarter-ſeſſions to be held for the ſame county, riding, *&c.* within ſix months after any ſuch agreement ſhall be regiſtered in manner aforeſaid; which ſaid juſtices are required finally to hear and determine ſuch appeal.

Where any ſuch incloſure, before the paſſing of the act, hath been made up by any owner of waſtes or paſtures, with the aſſent of the major part in number and value of the owners of tenements to which a right of common of paſture therein did then belong, or by any other perſon, with the aſſent of the owner of ſuch waſtes and paſtures, and the major part in number and value of the owners of ſuch tenements; ſuch incloſures ſhall be adjudged to be as legally made, and are hereby confirmed in like manner, as if the major part in number and value of the occupiers alſo of ſuch tenements had thereunto aſſented.

Sect. 6. "Where any owner of waſtes or paſtures, not having an eſtate in fee-ſimple therein, before the paſſing of the act, aſſented to the making ſuch incloſures of any part of his ſaid waſtes or paſtures, for the purpoſes aforeſaid, and the recompence to be paid to ſuch owner is by grant of ſome annuity, but the ſame is not in the deed of agreement made a charge upon the ſaid ground ſo incloſed, or any other lands, *&c.* as by the ſaid recited act is required; ſuch annuity ſo granted ſhall be taken to be a rent-charge iſſuing out of the ſaid ground; and the agreement ſhall be as good, to all intents, as if the ſame had been expreſsly mentioned in the ſaid deed.

Woollen Manufacture.

STAT. 5 *Geo.* 3, *c.* 51. See this at large in vol. 3, p. 1039, *&c.*

Stat. 6 *Geo.* 3, *c.* 23, [*A. D.* 1765, *intituled,*] "An act to amend an act made in the laſt ſeſſion of parliament, intituled, An act for repealing ſeveral laws relating to the manufacture of woollen cloth in the county of *York*; and alſo ſo much of ſeveral other laws as preſcribes particular ſtandards of width and length of ſuch woollen cloths; and for ſubſtitut-

ing other regulations of the cloth-trade within the weſt-riding of the ſaid county; for preventing frauds in certifying the contents of the cloth; and for preſerving the credit of the ſaid manufacture at the foreign market.

Preamble, reciting act 5 Geo. 3.

Sect. 1. "Whereas the act made in fifth year of the reign of his preſent majeſty, intituled, *An act for repealing ſeveral laws relating to the manufacture of woollen cloth in the county of* York; and alſo ſo much of ſeveral other laws as preſcribes particular ſtandards of width and length of ſuch woollen cloths; and for ſubſtituting other regulations of the cloth trade within the weſt-riding of the ſaid county; for preventing frauds in certifying the contents of the cloth; and for preſerving the credit of the ſaid manufacture at the foreign market; hath, in ſome reſpects, been found to be inconvenient to the dealers in the ſaid trade and manufactory, and not ſufficient or effectual to remove or remedy ſome of the abuſes intended to be thereby prevented, and which ſtill continue to be practiſed in the ſaid trade; and in regard ſeveral perſons concerned in the ſaid trade and manufactory may inadvertently and unavoidably become ſubject and liable to divers penalties and forfeitures thereby directed to be levied, to the great loſs and damage of divers innocent perſons, and the diſcouragement of the ſaid manufactory; wherefore, for continuing ſo much of the ſaid act as is apprehended to be beneficial, and for explaining and amending the ſame, ſo as more effectually to ſupport and preſerve a trade ſo advantageous, and of ſo great importance to this kingdom, and for repealing ſuch of the clauſes and proviſions therein contained, as are found to be burthenſome to the ſaid trade, and not effectual for preſerving the credit thereof, or preventing the frauds intended to be prevented; be it enacted by the king's moſt excellent majeſty, by and with the advice and conſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the juſtices of the peace for the ſaid weſt-riding of the ſaid county of *York* (not being dealers in woollen cloth, or occupiers of any fulling-mill) at their general quarter-ſeſſions of the peace to be holden at *Bradford*, in and for the ſaid riding, next after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, or at ſome adjournment of the ſame, and at their general quarter-ſeſſions of the peace to be holden next after *Midſummer* yearly at *Bradford*, in and for the ſaid riding, ſhall and may, and they are hereby authorized and required to chuſe, nominate, and appoint, ſuch and ſo many perſons of good character and repute (having been brought up in the manufacture of woollen cloth in the ſaid riding, and being under the age of ſixty years) to be ſearchers and meaſurers of cloth at the fulling-mills, and to be inſpectors and ſupervifors for the purpoſes in the ſaid former act mentioned, as they in their diſcretion ſhall think proper; which ſaid ſearchers or meaſurers, inſpectors and ſupervifors reſpectively, ſhall have all the ſame powers and authorities, and be reſpectively ſubject to the ſame rules, limitations and reſtrictions, as in and by the ſaid act of the fifth year of his preſent majeſty's reign, are reſpectively declared, given, appointed, or limited, except as is herein after, by this preſent act, otherwiſe ordered, directed, or provided for.

Juſtices to appoint mill-ſearchers, inſpectors, and ſupervifors.

Sect. 2. "And be it further enacted, That the ſaid ſearchers or meaſurers of cloth at the mills, to be choſen, appointed, and ſtationed, by virtue of this and the ſaid former act, ſhall, and they are hereby authorized and required, at their reſpective fulling-mills, where they ſhall be reſpectively ſtationed or placed, to meaſure all the cloths and half cloths which ſhall be there milled reſpectively, at the reſpective times, and in manner in the ſaid former act mentioned and appointed; and every ſuch ſearcher and meaſurer ſhall, on one end of every ſuch cloth, before it ſhall be carried from the mill, affix and rivet ſuch ſeal of lead as in the ſaid former act is mentioned, and ſtamp, in words and figures plainly to be read and diſtinguiſhed, upon every ſuch rivet, his name, and the name of the mill where he is ſo ſtationed; and upon the reſidue of ſuch ſeal, the length and breadth of every ſuch cloth, together with the number of each of ſuch cloths milled at ſuch mill ſucceſſively, beginning at number one, and proceeding progreſſively as in the ſaid former act is mentioned. Searchers to meaſure cloths, and ſeal them.

Sect. 3. "And it is hereby further enacted by the authority aforeſaid, That if any of the ſaid inſpectors or ſuperviſors ſhall find any cloth, or end or half cloth, falſely ſtamped by any meaſurer or ſearcher of broad woollen cloth, above one inch in breadth in more than one third part of the length thereof, or above half a yard in length, ſuch inſpector or ſuperviſor ſhall, within ſeven days after the ſame ſhall be diſcovered, give information thereof to one of his majeſty's juſtices of the peace for the ſaid riding, or any corporation within the ſame where ſuch offence ſhall be committed (not being a dealer in woollen cloth, or occupier of any fulling-mill) and on conviction of ſuch meaſurer or ſearcher, before any ſuch juſtice of the peace as aforeſaid, ſuch ſearcher or meaſurer ſhall forfeit and pay for every ſuch offence the ſum of ten ſhillings, to be recovered as any other penalty is hereby directed to be recovered. Penalty on mill-ſearcher ſtamping falſely.

Sect. 4. "Provided always, and it is hereby further enacted by the authority aforeſaid, That if the merchant or buyer of any ſuch cloth ſhall ſuſpect the real and true lengths and breadths of ſuch cloth not to be the ſame as ſtamped on the ſeal affixed to ſuch cloth by the meaſurer or ſearcher at the mill as aforeſaid; then, and in ſuch caſe, it ſhall and may be lawful to and for the merchant or buyer of ſuch cloth, within forty days next after the ſale and delivery of ſuch cloth (and before the ſame ſhall have been raiſed, rowed, dreſſed, dyed, or put in water) to put ſuch cloth into cold water for any time not exceeding four hours; and after the ſame ſhall be fully wet and taken out of ſuch water, to hang the ſame acroſs a plain rail or horſe-tree, to be provided by ſuch merchant or buyer, for any time not leſs than two hours, and not more than four hours; and then immediately to cauſe the ſame to be meaſured by ſome ſworn ſearcher, meaſurer, inſpector, or ſuperviſor; and if upon ſuch meaſurement laſt mentioned, there ſhall be found a leſs or ſmaller quantity of cloth in length, or leſs or ſmaller quantity in breadth in more than one third part of the length thereof, than is mentioned on any of the ſeals affixed to ſuch cloth by any ſearcher, meaſurer, or ſuperviſor, who before meaſured the ſame; in every ſuch caſe, the ſearcher, meaſurer, inſpector, or ſuperviſor, who laſt meaſured Merchant ſuſpecting cloths may wet them. Penalty for fraudulent ſealing.

ſured ſuch cloth, ſhall, and is hereby required, within three days next after ſuch laſt admeaſurement, to give information to one of his majeſty's juſtices of the peace for the ſaid riding, or any corporation within the ſame, (not being a dealer in woollen cloth, or occupier of any fulling-mill) that the ſearcher, meaſurer, or ſupervifor, who before meaſured and ſtamped the ſaid cloth, did wilfully and knowingly affix ſuch falſe and fraudulent ſeals to ſuch cloth; and ſuch meaſurer, ſearcher, or ſupervifor, being thereof convicted before ſuch juſtice, upon the oath of ſuch meaſurer, ſearcher, inſpector, or ſupervifor, who laſt meaſured the ſaid cloth, or of any other credible witneſs, ſhall, for every ſuch offence forfeit and pay the reſpective penalties and ſums following; that is to ſay, For the firſt inch in breadth, or half a yard in length, that ſuch cloth or end of cloth ſhall fall ſhort of the meaſure ſtamped and marked on the ſeals thereto by him affixed, the ſum of five ſhillings; and for every other inch in breadth, or half yard in length, ſo over ſtamped, the further ſum of ten ſhillings: the ſaid penalties, after deducting thereout the coſts and charges of ſuch proſecution and conviction, to be paid and applied, one moiety to the informer, and the other moiety to the treaſurer of the ſaid weſt-riding: and in caſe any ſearcher, meaſurer, inſpector, or ſupervifor, who laſt meaſured ſuch cloth, ſhall fail or neglect, by the ſpace of three days next after ſuch laſt admeaſurement, to give ſuch information as aforeſaid; then, and in every ſuch caſe, ſuch ſearcher, meaſurer, inſpector, or ſupervifor, being convicted before any ſuch juſtice as aforeſaid, of having wilfully failed or neglected to give ſuch information for the ſpace of three days as aforeſaid, ſhall for ſuch offence, forfeit and pay the ſum of forty ſhillings, and ſhall from thenceforth be for ever diſabled to hold, exerciſe, or enjoy, any office under or by virtue of this act.

Where falſe ſeals are found, inſpector, &c. to fix new ſeals, which ſhall be the rule of payment, and the ſeller to forfeit double the deficiency, or take the cloth back.

Sect. 5. "And be it enacted by the authority aforeſaid, That in all ſuch caſes, upon ſuch admeaſurement of any ſuch cloth as aforeſaid, where the ſame ſhall be found to be of leſs length or of leſs breadth, for above one third part of the length thereof, than ſhall be mentioned on the ſeal or ſeals thereto affixed, by the ſearcher, meaſurer, or ſupervifor, who meaſured and ſtamped the ſame, or by the maker of ſuch cloth; then, and in every ſuch caſe, the ſearcher, meaſurer, inſpector, or ſupervifor, who laſt meaſured the ſame, ſhall, immediately upon ſuch admeaſurement, affix on every ſuch cloth or end of cloth, a new ſeal or new ſeals of lead, and rivet the ſame, and ſhall ſtamp, or cauſe to be impreſſed upon every ſuch rivet, his own name, adding thereto the words inſpector or ſupervifor: and upon the ſame ſeal, words, or letters and figures, denoting the true length of every ſuch cloth or end of cloth, (accounting thirty-ſeven inches to the yard in length) and the breadth thereof between the liſts, in inches, at the time of, and according to ſuch admeaſurement; and that the length and number of yards, by ſuch meaſurer, ſearcher, inſpector, or ſupervifor, ſo ſtamped on ſuch ſeals as aforeſaid, ſhall be the rule of payment for ſuch cloth by the merchant or buyer thereof; ſave only that ſuch merchant or buyer (in order to diſcourage the vending or expoſing to ſale of any ſuch cloth with ſuch defective or fraudulent ſeals) ſhall and may, and he is hereby

hereby authorized and impowered, to deduct and retain to himſelf, out of the price of ſuch cloth upon which the maker, ſearcher, meaſurer, or ſupervisor, ſhall have fixed ſuch defective and fraudulent ſeals as aforeſaid, double the value or amount of ſo many yards, or parts of a yard thereof, out of the number of yards in length, ſo ſtamped upon ſuch ſeals, by ſuch ſearcher, meaſurer, inſpector, or ſupervisor, who laſt meaſured and ſtamped the ſame as aforeſaid, as the ſaid cloth, or end of cloth, ſhall fall ſhort in quantity of the length and breadth reſpectively impreſſed on the former fraudulent ſeal ſo affixed by the maker or ſeller thereof; unleſs the maker or ſeller of ſuch cloth ſhall, within three days next after notice of ſuch deficiency to him given by the merchant or buyer of ſuch cloth, accept the ſame again, and repay to the merchant or buyer thereof, all ſuch ſum and ſums of money as ſuch maker or ſeller of ſuch cloth ſhall have received in payment, or part of payment for ſuch cloth, together with ſuch reaſonable expence as ſuch merchant or buyer ſhall have neceſſarily expended or been put unto, for or upon account of ſuch defective cloth or cloths.

Sect. 6. "And it is hereby further enacted, That in caſe any merchant, or buyer or ſeller of cloth, ſhall be diſſatisfied with any admeaſurement to be made by any ſuch laſt-mentioned ſearcher, meaſurer, inſpector, or ſupervisor, as aforeſaid, and ſhall have cauſe to ſuſpect the true length and breadth of any cloth, or end of cloth, ſo meaſured by ſuch laſt-mentioned ſearcher, meaſurer, inſpector, or ſupervisor, not to agree with the ſeal or ſeals by him thereto affixed; then, and in ſuch caſe, ſuch merchant, buyer or ſeller reſpectively, ſhall and may, within ſeven days after any ſuch admeaſurement ſo ſuſpected ſhall be made, give information thereof, before one or more juſtice or juſtices of the peace for the ſaid riding, or any corporation within the ſame (not being dealers in woollen cloth) and every ſuch ſearcher, meaſurer, inſpector or ſupervisor, having wilfully or fraudulently meaſured ſuch cloth, and being convicted of ſuch offence, upon the oath of one or more credible witneſs or witneſſes, before any ſuch juſtice or juſtices as aforeſaid, (which oath ſuch juſtice or juſtices is hereby impowered to adminiſter) ſhall, for ſuch offence, forfeit and pay for the firſt inch in breadth, or half a yard in length, that ſuch cloth, or end of cloth, ſhall exceed or fall ſhort of the meaſure ſtamped and marked on the ſeals thereto by him affixed, the ſum of twenty ſhillings: and in caſe ſuch cloth, or end of cloth, ſhall exceed or fall ſhort more than two inches in breadth, or one yard in length, of the meaſure ſtamped and marked thereon by ſuch ſearcher, meaſurer, inſpector, or ſupervisor; then ſuch ſearcher, meaſurer, inſpector, or ſupervisor, upon ſuch conviction as aforeſaid, ſhall forfeit and loſe his office, and be diſcharged therefrom by ſuch juſtice or juſtices, before whom he ſhall be ſo convicted, and ſhall, from thenceforth, be for ever diſabled to hold, exerciſe, or enjoy any office under or by virtue of this act.

Inſpector or ſupervisor, &c. found guilty of ſtamping falſely, on information and conviction, to be ſubject to a penalty, and loſe his office.

Sect. 7. "And be it further enacted by the authority aforeſaid, That in caſe any inſpector ſhall have reaſon to ſuſpect that any cloth or cloths ſhall be in the poſſeſſion of any merchant, buyer, dreſſer, or cloth-worker, which

Where inſpector ſuſpects frauds in

cloth, he may require to ſee the ſame put in water.

which hath or have not been truly ſtamped and meaſured at the fulling-mill; that then, and in ſuch caſe, the ſaid inſpector ſhall and may give notice to ſuch merchant, buyer, dreſſer, or cloth-worker, of ſuch his ſuſpicion, deſcribing the cloth or cloths by the maker's name or ſeal thereon reſpectively, which he ſo ſuſpects to be unduly ſtamped; after which notice ſo given as aforeſaid, ſuch merchant, dreſſer, or cloth-worker, ſhall give two hours notice to ſuch inſpector of the time or times at which he intends to put ſuch cloth or cloths into water, in order that ſuch inſpector may attend the wetting and meaſuring of ſuch cloth or cloths; and if ſuch merchant, dreſſer, buyer, or cloth-worker, ſhall, without or contrary to ſuch notice, put ſuch cloth or cloths into water, and be thereof legally convicted, he ſhall forfeit, for every ſuch offence, the ſum of twenty ſhillings.

Penalty on ſupervisor or inſpector refuſing to meaſure when called upon.

Sect. 8. "And it is hereby further enacted, That if any ſupervisor or inſpector ſhall wilfully refuſe or neglect to attend for the purpoſe of meaſuring and ſtamping any cloth, or end of cloth as aforeſaid; for the ſpace of two hours after due notice given to him in that behalf, he or they ſo neglecting or refuſing, ſhall, for every ſuch offence, forfeit and pay the ſum of twenty ſhillings, to be recovered and applied in manner after mentioned.

Inſpector, &c. to give ſecurity for making due accounts.

Sect. 9. "And it is hereby further enacted and declared, That every ſearcher, meaſurer, inſpector, and ſupervisor, to be appointed by virtue and in purſuaace of this or the ſaid former act, ſhall, before he enters upon the execution of his office, at his own expence, give and execute a bond to the treaſurer of the ſaid weſt-riding for the time being, with a ſurety to be approved by the juſtices appointing him to the ſaid office, in the penalty of fifty pounds, conditioned for the duly accounting for, and paying the money by him, from time to time, to be received by virtue of and in the execution of his office.

Inſpector or ſupervisor not to enter merchant's houſes or warehouſes (except where cloth is there dreſſed) to examine or ſearch for cloths, nor to examine cloths ready for the preſs, or ſent to frize.

Sect. 10. "And be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any inſpector or ſupervisor, to be appointed by virtue of this or the ſaid former act, at any time hereafter, to enter into any houſe, warehouſe, or outhouſe, of any merchant or merchants, dreſſer or dreſſers, or any other dealer in cloth (unleſs ſuch places ſhall be made uſe of for dreſſing, tentering, or keeping of wet or undreſſed cloth) under pretence of ſearching for, or examining any woollen cloth, which he ſhall ſuſpect to be falſely ſtamped, or unduly ſtretched or ſtrained, by virtue or under colour of this or any former act of parliament; or to ſearch or examine any cloth after the ſame ſhall be put up in papers for preſſing, or ſent to be frized; or otherwiſe have been fully manufactured, or fitted for exportation or home conſumption; any thing in the ſaid recited act to the contrary notwithſtanding.

Penalty on perſons taking off, &c. ſeals, or the maker's name, or for

Sect. 11. "And be it further enacted by the authority aforeſaid, That if any perſon or perſons whatſoever ſhall willingly take off, alter, or counterfeit, deface, obliterate, or cut out any ſeal or ſeals of lead, hereby, or by the ſaid former act, directed to be fixed and riveted to every or any cloth or half-cloth, or the figures, letters, and words thereon ſtamped,

made,

made, or ſet, or therein woven or ſewed, before the cloth be put in papers for the preſs, or into the frizing-mill to be frized; or if any inſpector or ſupervifor ſhall, at any time after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, find any woollen cloth, after the times herein directed for ſealing the ſame, without the ſeal or ſeals hereby, or by the ſaid former act, directed to be put thereon; or find ſuch ſeal or ſeals defaced, counterfeited, or altered, (except ſuch ſeal or ſeals as has or have been accidentally loſt, or maliciouſly taken off;) or ſhall find any ſuch cloth, or end of cloth, which ſhall appear by the mark, ſtamp, or ſeal, affixed by the ſearcher, meaſurer, inſpector, or ſupervifor, who laſt meaſured the ſame, to be over-ſtretched or ſtrained, either in breadth or length beyond the dimenſions allowed of and provided by this preſent act; or that the loom mark, ſpecifying or denoting the name and place of abode of the maker of ſuch cloths, ſhall be cut out or altered; in ſuch caſe every perſon or perſons ſo offending, or the merchant, dreſſer, clothier, or owner, in whoſe cuſtody any ſuch cloth without ſeals, (except as aforeſaid) or with the ſeals, or name, and place of abode, of ſuch maker, defaced, cut out, or obliterated, or ſo overſtretched or ſtrained, ſhall be found, being thereof legally convicted, for every ſuch offence ſhall forfeit ſuch ſum of money, not exceeding the ſum of forty ſhillings, nor leſs than twenty ſhillings, as to the juſtice or juſtices, before whom he ſhall be convicted, ſhall ſeem proper and requiſite.

having cloth in their cuſtody without ſeals, or with the ſeals cut off, &c. or cloth over-ſtretched, &c.

Sect. 12. "And be it further enacted, That any perſon or perſons, againſt whom any information ſhall be made, by any merchant, buyer, ſeller, owner, or dreſſer of cloth, for any offence or offences committed againſt this act, by falſe ſealing or ſtamping any cloth or cloths, ſhall and may, and are hereby authorized and impowered, within two days after notice of ſuch information to him or them given, to go to the houſe of ſuch merchant, owner, or dreſſer of cloth, in ſuch information mentioned, and requeſt to ſee the ſaid cloth, to examine whether the charge alledged in ſuch information be juſt, and whether any frauds have been committed by the merchant, dreſſer, or owner, of the ſame; and that upon the merchant, dreſſer, buyer, or owner, of ſuch cloth, refuſing to permit and ſuffer ſuch offender or offenders to ſee or examine ſuch cloth as aforeſaid, (unleſs the ſame ſhall, before that time, be put in papers for preſſing, or ſent to be frized) ſuch proſecution ſo commenced againſt ſuch offender or offenders ſhall ceaſe, and any conviction to be made thereupon ſhall be void and of none effect; and in caſe of wilful refuſal, by any merchant or buyer, ſo to ſhew ſuch cloth, ſuch merchant or buyer ſhall loſe all benefit of deduction out of the price of ſuch cloth as aforeſaid.

Perſons charged with any offence, may examine cloth in the merchant's hands; and on refuſal, proſecution to ceaſe.

Sect. 13. "And whereas by the ſaid act of the fifth year of the reign of his preſent majeſty, every clothier and maker of ſuch cloth as aforeſaid, is required, at the time of making thereof, to weave or ſew into the head of the cloth, in diſtinct letters or words, plain to be read, at length, the name and place of abode of ſuch clothier and maker, under the penalty of twenty ſhillings for expoſing the ſame to ſale, without having ſuch name and place of abode in words at length ſewed into ſuch cloth, which

has been the occaſion of ſeveral poor clothiers being convicted for falſe ſpelling or abbreviating their name and place of abode, to their great loſs and diſcouragement; wherefore, to prevent as much as poſſible any ſuch hard and ſevere proſecutions which ſuch clothier is now ſubject to; be it further enacted, That every clothier and maker of ſuch cloth as aforeſaid, who ſhall weave or ſew into the head of every cloth, and end of cloth, his name and place of abode, either in diſtinct letters or words, or in ſome common or known uſual abbreviation, ſufficient to be read or underſtood, before he ſhall expoſe the ſame to ſale, ſhall, in ſuch caſe, not be ſubject to or, liable to be proſecuted for, the penalty inflicted by the ſaid act for not inſerting the ſame in diſtinct letters or words plain to be read at length; any thing in the ſaid act contained to the contrary notwithſtanding.

Makers of cloth to weave their names therein at length, or in a common abbreviation.

Sect. 14. "And whereas by the ſaid laſt mentioned act of the fifth year of the reign of his preſent majeſty, the juſtices of the peace for the ſaid weſt-riding are impowered, at their general quarter-ſeſſions of the peace to be held yearly after *Eaſter*, to make and iſſue ſuch orders and directions to the ſeveral officers to be appointed by virtue of the ſaid act, for the more effectual execution thereof, as to them ſhall ſeem meet; which power is apprehended to be of no uſe to the ſaid trade or manufacture, but may prove inconvenient to the dealers therein: therefore be it enacted by the authority aforeſaid, That the ſaid power given by the ſaid act, to the juſtices in ſeſſions, to make ſuch orders and regulations as aforeſaid, ſhall from henceforth be, and the ſame is hereby, revoked and repealed, and declared to be void and of no force or effect.

Power given by former act to juſtices at quarter-ſeſſions to make orders for executing the act repealed.

Sect. 15. "And it is hereby further enacted, That if any perſon or perſons whatſoever, after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, ſhall ſtretch or ſtrain, or cauſe or procure to be ſtretched or ſtrained, any whole or long cloth, or end of half cloth, more than one yard (conſiſting of thirty-ſeven inches) in every twenty yards of the length thereof, and in the like proportion for cloths of greater or leſs length, or more than one inch in every twelve inches of the breadth thereof, above or beyond the length or breadth of ſuch cloth marked and denoted upon the ſtamp or ſeal thereon fixed by the ſearcher, meaſurer, ſuperviſor, or inſpector, who laſt meaſured the ſame as aforeſaid; then, and in ſuch caſe, every perſon ſo offending, and being thereof convicted by the oath of one or more credible witneſs or witneſſes, before one or more ſuch juſtice or juſtices of the peace of the ſaid riding, or of ſome corporation within the ſame, not being a dealer in the woollen manufacture, or farmers or occupiers of a fulling-mill as aforeſaid, ſhall, for the firſt half yard in length ſuch cloth, or end of cloth, ſhall be ſo over-ſtretched, forfeit and pay the ſum of five ſhillings; and alſo for every quarter of a yard above ſuch half yard, ten ſhillings; and for the firſt inch in breadth ſuch cloth, or end of cloth, ſhall be overſtretched or ſtrained, forfeit and pay the ſum of five ſhillings; and alſo for every inch above the firſt inch ten ſhillings; which ſaid ſums ſhall be recovered and applied in the ſame manner as the other penalties are herein directed to be recovered and applied.

Penalty on over-ſtretching or ſtraining cloth.

Sect. 16.

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Sect. 16. "And whereas by the laſt mentioned act, the uſing of cards made with wire, or with wire teeth, or any other metal, in dreſſing of cloth, is prohibited under the penalty of forty ſhillings; but it has been found uſeful in the dreſſing of cloth, and without damaging the ſame, to make uſe of wire cards, commonly called *fine batters cards*, in the ſtriking or plaining of cloth upon the tenters, for the better bedding or laying the wool; it is therefore enacted, That it ſhall and may be lawful for any perſon or perſons in the ſtriking or plaining of cloth upon the tenters only, to make uſe of ſuch cards, called *fine batters cards*, for the better laying the wool and manufacturing the ſaid cloth, without being ſubject to, or liable to, any proſecution for the ſaid penalty, in the ſaid act provided, for making uſe of wire cards in the dreſſing of cloth.

Hatters cards may be uſed for ſtriking cloths upon the tenters only.

Sect. 17. "And it is hereby further enacted, provided, and declared, That in caſe any of the officers to be appointed, or who ſhall hold, exerciſe, or enjoy, any office or place under or by virtue of this or the ſaid former act, ſhall keep a publick houſe for the ſelling of ale, beer, or other liquors, or ſhall follow or be concerned in the making, buying, or ſelling, any wool, woollen manufactures, or goods, commonly made uſe of in dying; or in caſe any ſuch officer or officers, perſon or perſons, to be appointed by virtue of this or the ſaid former act, ſhall be guilty of any miſbehaviour or neglect of duty in his office, and ſhall be thereof convicted by the oath of one or more witneſs or witneſſes, before any two or more ſuch juſtices as aforeſaid; it ſhall and may be lawful to and for the juſtices, at the quarter-ſeſſions held for the ſaid riding next after ſuch conviction, on producing the ſame, or due proof thereof, and they are hereby required to diſcharge and remove ſuch officer or perſon, ſo convicted, from his office, and to appoint another proper perſon in his room and ſtead; and ſuch perſon or perſons ſo convicted and removed from his office for ſuch offence, ſhall be, from thenceforth, for ever diſabled to hold, exerciſe, or enjoy, any office under or by virtue of this or the ſaid former act.

Officers not to keep a publick houſe, or be concerned in the cloth trade.

Sect. 18. "Provided always, and it is hereby further enacted, That the appointment of all and every officers by the juſtices of the peace for the ſaid weſt-riding, by the ſaid recited act directed to be made at the quarter-ſeſſions held next after *Eaſter* yearly for the ſaid riding, ſhall, at all times hereafter, be made by the ſaid juſtices at the quarter-ſeſſions held for the ſaid riding at *Bradford*, next after *Midſummer* yearly.

Appointment of officers to be made at quarter-ſeſſions.

Sect. 19. "And it is hereby further enacted, That all informations relating to any offences to be committed againſt this or the ſaid former act (except where it is otherwiſe therein reſpectively provided for) ſhall be made and given within ten days after ſuch offence ſhall be diſcovered; and all and every ſuch offences ſhall be enquired of and determined, and convictions thereon made, upon oath of one or more credible witneſs or witneſſes, by any one or more ſuch juſtice or juſtices of the peace as aforeſaid (not being a dealer in woollen cloth, nor occupier of any fulling-mill as aforeſaid) notice being firſt given of the charge to the perſon or perſons therewith charged; and that all ſuch penalties and

How and when offences ſhall be proſecuted, and forfeitures applied.

forfeitures as ſhall or may happen by reaſon of this or the ſaid former act, ſhall, after deducting the charges of ſuch conviction, go, and be diſpoſed of, one half to the perſon or perſons who ſhall give information of the offence on which the conviction ſhall be made, and the other half to the ſaid treaſurer of the ſaid weſt-riding; and that ſuch part thereof as ſhall belong to the ſaid treaſurer, ſhall be received by ſuch juſtice or juſtices before whom ſuch conviction ſhall be made, and by him or them immediately paid to ſome inſpector or ſuperviſor of broad woollen cloth; and the receipt of ſuch inſpector or ſuperviſor ſhall be a ſufficient diſcharge to ſuch juſtice or juſtices, for ſo much money as ſhall be therein expreſſed to be received; and ſuch juſtice or juſtices ſhall alſo, within three months after any ſuch convictions, as aforeſaid, ſhall be made by them, ſend, or cauſe to be ſent, an account thereof to the ſaid treaſurer, and to whom ſuch penalties and forfeitures ſhall be ſo paid.

Juſtices to ſend an account of convictions before them to the treaſurer.

Penalties how to be recovered.

Sect. 20. "And it is hereby further enacted, That if any offender or offenders ſhall, for the ſpace of ten days next after he, ſhe, or they, ſhall be convicted of any of the offences aforeſaid, and have notice thereof to him, her, or them given, at his, her, or their dwelling-houſe, or laſt place of abode, refuſe or neglect to pay any forfeiture by him, her, or them incurred, by reaſon of this or the ſaid recited act, or ſhall not give notice of an appeal to the next quarter-ſeſſions, as is herein after provided; then, and not before, it ſhall and may be lawful to and for the juſtice or juſtices of the peace, before whom ſuch conviction ſhall be made, or any other juſtice or juſtices of the peace for the ſaid riding, or any corporation within the ſame (not being a dealer in woollen broad cloth, or occupier of any fulling-mill) upon a certificate of ſuch conviction ſent to him or them, from the juſtice or juſtices before whom ſuch conviction was made; and he or they is and are hereby authorized and required to iſſue out one or more warrant or warrants, under his or their hand and ſeal, or hands and ſeals, to the conſtable of the town or place, or bailiff or bailiffs of the liberties, wapentakes, or limits, where ſuch offender or offenders doth or ſhall inhabit, thereby commanding him or them to levy the ſame by diſtreſs and ſale of the offender's goods and chattles, returning the overplus (if any be) after paying likewiſe the charges of ſuch diſtreſs and ſale to the offender or offenders demanding the ſame; and where no ſufficient diſtreſs can be found, to commit the offender or offenders to the houſe of correction, for any time not exceeding three calendar months.

Perſons aggrieved may appeal to the quarter-ſeſſions.

Sect. 21. "Provided always, and it is hereby further enacted by the authority aforeſaid, That if any perſon or perſons ſhall find him, her, or themſelves aggrieved, by any order, warrant, or determination, made by any juſtice or juſtices, upon any information by him or them, in purſuance of this act, ſuch perſon or perſons may appeal to the next quarter-ſeſſions to be held for the weſt-riding of the county of *York*, where ſuch determination ſhall be made, which ſhall not be held within fourteen days next after the cauſe of appeal ſhall ariſe, giving ten days notice of appeal to the party in whoſe favour ſuch order or determination ſhall be made; and if the juſtices at the ſaid quarter-ſeſſions, either confirm or diſannul

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the orders or proceedings of the ſaid juſtice or juſtices, they ſhall allow ſuch coſts and charges to the party aggrieved thereby, as they ſhall think reaſonable, to be levied and paid in ſuch manner as is uſual in caſes of appeal from any order of the juſtices of the peace to the ſeſſions, whoſe order herein ſhall be final.

Juſtices, &c. to return accounts of convictions, and money received thereon, to the quarter-ſeſſions.

Sect. 22. " And it is hereby further enacted and declared, That the ſeveral juſtices of the peace before whom any conviction ſhall be made, by virtue of this act, as alſo the ſeveral inſpectors and ſupervifors ſo to be appointed as aforeſaid, ſhall and they are hereby required, at the four general quarter-ſeſſions of the peace, held in and for the ſaid riding, to return and tranſmit to the juſtices of the peace aſſembled at ſuch general quarter-ſeſſions, a true and perfect account in writing, of all the convictions that ſhall have been made in purſuance of this act, that ſhall happen within their knowledge; and of all the penalties and forfeitures inflicted or levied by means or on account thereof, which, by virtue of this or the ſaid former act, are made payable to the ſaid treaſurer for the ſaid weſt-riding; and the ſaid inſpectors and ſupervifors ſhall pay, or cauſe to be paid, to the treaſurer for the time being, within three calendar months after the receipt thereof, all and every ſum and ſums of money by them, or any of them, or for their or any of their uſe, had or received, for or on account of any ſuch conviction or convictions, and which, by this or the ſaid former act, are made payable, or directed to be accounted for to the ſaid treaſurer of the ſaid weſt-riding; and every perſon and perſons neglecting or refuſing to return and tranſmit ſuch account, within twenty days next after any of the ſaid ſeſſions, or to pay, or cauſe to be paid, ſuch ſums of money ſo by him received, or in their hands, or any part thereof, for the ſpace of three calendar months next after the receipt thereof reſpectively, and being thereof convicted, upon the oath of one or more credible witneſs or witneſſes, before any two juſtices of the peace of and for the ſaid riding (not being dealers in cloth, or occupiers of any fulling-mill) ſhall forfeit and pay the ſum of ten pounds, over and above the ſeveral ſums by him or them received in his hands as aforeſaid; to be recovered, paid, and applied, in ſuch manner as the other penalties inflicted by this act are directed to be recovered, paid, and applied.

Penalty on their neglect, &c.

This act to extend to all woollen cloths, except narrow cloths deſcribed in act 11 Geo. 2, and blanketing.

Sect. 23. " And be it further enacted by the authority aforeſaid, That this act, and all the penalties and clauſes therein contained, ſhall extend to all woollen cloths which ſhall be made and milled within the weſt-riding of the county of *York*, except ſuch narrow woollen cloths as are mentioned and deſcribed, and for which proviſion is made in and by an act made in the eleventh year of the reign of his late majeſty King *George* the ſecond, intituled, *An Act for the better regulating of narrow woollen cloths in the weſt-riding of the county of* York; and alſo except ſuch woollen goods as are made for blankets or blanketing, and ſtriped duffel'd blankets.

Application of money in the treaſurer's hands.

Sect. 24. " And whereas ſeveral ſums of money have been, and will be expended by divers perſons, in and about the obtaining this preſent act; and it is apprehended that the money expended in obtaining the ſaid former act, hath not yet been wholly reimburſed or ſatisfied to the perſon or perſons

perſons concerned in obtaining the ſame: now it is hereby enacted, That the treaſurer of the ſaid weſt-riding for the time being, ſhall, out of the money now in his hands, or which ſhall hereafter be received by him, on account of the duties and forfeitures herein before, or by the ſaid former act, directed to be paid to ſuch treaſurer as aforeſaid, firſt pay the charges and expences remaining due and unpaid on the account of obtaining the ſaid former act, and afterwards the charges and expences of obtaining the paſſing this act, together with ſuch intereſt, for all or any part of ſuch charges and expences, as the ſaid juſtices, at their general quarter-ſeſſions, to be held next after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, ſhall order, direct or appoint; and the ſaid treaſurer ſhall afterwards pay and apply the ſaid duties and penalties, as the ſame ſhall come in and be received, in and for the payment of the ſalaries of the ſearchers, meaſurers, inſpectors, and ſupervifors of cloth herein before directed to be choſen and appointed, as aforeſaid, in ſuch proportions, and in ſuch manner, as the ſaid juſtices of peace, at their general quarter-ſeſſions yearly to be held next after *Midſummer*, ſhall direct and appoint.

When juſtices may increaſe or diminiſh rates.

Sect. 25. And it is hereby further enacted by the authority aforeſaid, That after all the money to be expended in and about the obtaining this act, and yet remaining due of the expences of the ſaid recited act, ſhall be totally paid off and diſcharged, it ſhall and may be lawful to and for the juſtices of the peace for the ſaid weſt-riding, at their general quarter-ſeſſions held next after *Midſummer* yearly, to make orders for the increaſing or diminiſhing the rates or duties to be paid for meaſuring, ſtamping, and ſealing of cloth, ſo as the ſame ſhall never exceed the ſeveral rates or duties herein before, or by the ſaid former act, directed to be paid for the ſame.

Limitation of actions.

Sect. 26. "And be it further enacted by the authority aforeſaid, That if any ſuit or action ſhall be commenced or proſecuted againſt any perſon or perſons for any thing done or to be done in purſuance of this act, every ſuch ſuit or action ſhall be commenced within ſix calendar months next after the fact committed, and not afterwards; and ſhall be laid, brought, and tried, in the county of *York*, and not elſewhere; and the defendant

General iſſue.

or defendants in ſuch ſuits or actions ſhall and may plead the general iſſue, and give this act and the ſpecial matter, in evidence at any trial to be had thereupon, and that the ſame was done in purſuance of, and by the authority of this act: and if it ſhall appear to be ſo done; or if any ſuch ſuit or action ſhall be brought after the time before limited for bringing the ſame, or ſhall be brought in any other county or place, that then the jury ſhall find for the defendant or defendants: and upon ſuch verdict; or if the plaintiff or plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their action, after the defendant or defendants ſhall have appeared; or if upon demurrer, judgment ſhall be given againſt the plaintiff or

Treble coſts.

plaintiffs, the defendant or defendants ſhall and may recover treble coſts, and have the like remedy for the ſame as any defendant or defendants hath or have for coſts in other caſes by law.

Sect.

Sect. 27. " And it is hereby further enacted by the authority aforeſaid, That all the penalties and forfeitures which any meaſurer, ſearcher, or ſuperviſor, can or may be ſubject or liable to by virtue of or under the ſaid former act, for falſely ſtamping any cloth two inches in breadth and one yard in length, or which any inſpector or ſuperviſor may be ſubject to for neglecting to give information to a juſtice of the peace, where cloth ſhall be found falſely ſtamped, by any meaſurer or ſearcher, or which any perſon or perſons may thereby be ſubject to for taking off, altering, counterfeiting, defacing, obliterating, or cutting out any ſeal or ſeals, or for over-ſtretching or ſtraining any cloth, or for having cloth in their cuſtody over-ſtretched or ſtrained, or without the ſeals by the ſaid act ordered to be affixed thereon, or with ſuch altered, counterfeited, defaced, or obliterated, or with the name and place of abode of the maker cut out and altered, or for uſing cards made with wire, in the dreſſing of cloth, ſo as the ſame be fine hatters cards, and uſed upon the tenters only, ſhall, from and after the twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, be, and they are hereby repealed, revoked, annulled, and made and declared to ceaſe and be void and of none effect: and no merchant, cloth-buyer, cloth-maker, cloth-dreſſer, meaſurer, inſpector, ſearcher, or ſuperviſor, or other perſon, ſhall from and after the ſaid twenty-fourth day of *June*, one thouſand ſeven hundred and ſixty-ſix, be ſubject to, or affected by, or be proſecuted for or upon account of any ſuch pains, penalties, or forfeitures, by reaſon or on account or pretence of any of the offences, miſdemeanors, matters, or things, herein laſt before recapitulated, mentioned, and expreſſed, except as aforeſaid, and other than by virtue and under the authority of this preſent act.

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Sect. 28. " And it is hereby further enacted and declared, That all the clauſes, proviſions, matters, and things, in the ſaid former act contained, other than and except ſo far forth as the ſame or any of them reſpectively are revoked, repealed, altered, amended, or otherwiſe explained, by the force, effect, and operation of this preſent act, ſhall be, remain, and continue in full force and virtue, as fully and effectually, to all intents and purpoſes, as if the ſame had been repeated and re-enacted in and by this preſent act. And alſo, That this act ſhall be taken and deemed to be a publick act; and all judges, juſtices, and other perſons are hereby required to take notice thereof as ſuch, without ſpecially pleading the ſame."

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Larceny.

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The like directions to be purſued in ſuch cities, towns, and places, as are counties in themſelves, and have no county-rate —— 56

In towns lying in two counties, one to contribute their quota for that county only where their church ſtands —— —— ib.

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Receivers-general to be allowed 2d. in the pound upon clearing their accounts; Treaſurers 1d. high-conſtables 1d. and petty-conſtables, churchwardens, and overſeers, 1d. likewiſe——Treaſurers to be reimburſed monies paid in advance by them, by aſſeſſment made at the next quarter-ſeſſions, as for county-rates; and ſo, with reſpect to cities and towns, &c. not contributory to county-rates —— —— 57, 58
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Clerk of the peace neglecting his duty, forfeits 500l. and his office, and is incapacitated—— Receiver-general neglecting his duty, forfeits 200l. chief-conſtable neglecting his duty, forfeits 50l. and petty-conſtable 20l. — 59, 60, 61
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Where the militia has not been raiſed, an annual meeting is to be held of lieutenants and deputy-lieutenants, on the ſecond Tueſday in March; and on default of ſuch meeting, a general meeting is to be ſummoned for carrying this act into execution — 61, 62
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Stat. 9 Geo. 3, c. 29. Preamble, reciting clauſes in act of 1 Geo. 1, and act 1 Will. and Mary —— —— 69
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Limitation of proſecutions for the ſaid offences —— —— 71

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Stat. 6 Geo. 3, c. 53. Preamble, reciting clauſes in act 1 Geo. 1, and act 3 Geo. 1. ——From and after June 4, 1766, the oath of abjuration required to be taken by the recited acts, to be adminiſtered in the following form —— —— 71, 72
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Stat. 10 Geo. 3, c. 42. Persons may qualify on or before December 25, 1770 —— ib.

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Stat. 10 Geo. 3, c. 41. After the end of the present session, the speaker of the House of Commons, during recess, may issue warrants for making out writs for new elections ib.
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Stat. 10 Geo. 3, c. 16. After the present session, on complaint of undue election, &c. a precise time to be fixed for considering thereof——Speaker to give notice thereof, and order attendance, but not within fourteen days after appointment of committee of privileges —— —— ib.
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Voting members at the election, or complainants, to be set aside —— ib.
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Members excused, shall not be deemed to have served —— —— ib.
—— verifying other excuses, allegations to be entered, and if the house resolve that they are unable, &c. are to be excused; instead of whom, others to be drawn to compleat the number 49, &c. —— ib.
Petitioners may name one, and sitting members another, who may for like causes be set aside or excused, and others named —— ib.
Door to be opened and the house to proceed to other business, soon as 49 members shall have been chosen——Lists of the 49 to be then given to the petitioners, &c. who with the clerk are to withdraw, and to strike off one alternately till the number be reduced to 13——Clerk within one hour to deliver a list of them, and they with the nominees shall be sworn a select committee —— ib.
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Previous to taking petition into consideration, clerk to put the names of the members drawn into a box or parcel, and attest the same, &c. —— —— ib.
Chairman to be elected out of members chosen by lot —— —— ib.
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Chairman at next meeting to report absenters, who are to be directed to attend next sitting ib.
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Court out of which writ proceeds may order the iſſues to be ſold, and money ariſing thereby, to be applied to pay coſts to plaintiff—ib.
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Stat. 9 Geo. 3, c. 31. No ſettlement gained by admittance or ſervice in the Magdalen Hoſpital —— —— 79
Stat. 9 Geo. 3, c. 37. Churchwardens, overſeers, or others, intruſted to make payments to or for the uſe of the poor, making the ſame in any other than lawful money, forfeit not leſs than 10s. nor more than 20s. for every ſuch offence; to be applied to the uſe of any of the poor of the pariſh —— 79, 80

Poſt-Office.

Stat. 7 Geo. 3, c. 50. Officers or others employed in any buſineſs relating to the Poſt-Office, who ſhall ſecrete, embezzle, or deſtroy any letter or packet, &c. with which they ſhall be intruſted, or which ſhall come to their hands or poſſeſſion, containing any bank or other note, for payment of money; or ſhall ſteal, or take thereout, any ſuch bank or other note, &c. being convicted, ſhall ſuffer death, without benefit of clergy — — 80, 81
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Stat. 9 Geo. 3, c. 30. Treaſurer, and other officers of the navy, impowered to act as juſtices in any of the caſes here mentioned; and all conſtables are required to obey and execute their warrants accordingly 84, 85
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Stat. 9 Geo. 3, c. 20. The juſtices at their quarter-ſeſſions are impowered, upon preſentment of the grand-jury at the aſſizes, &c. to repair ſuch ſhire-halls, &c. as ſhall be preſented to them to be out of repair, &c. and to make a rate for defraying the charges thereof, to be levied, &c. as directed by acts 12 Geo. 2, and 13 Geo. 2 —— 90, 91
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Silks.

Silks.

Stat. 6 Geo. 3, c. 28. From and after 14 June, 1766, no foreign wrought silks or velvets may be imported, on penalty of forfeiture, and 100l; nor may any such be sold, or exposed to sale, exchanged, trucked, or worked up, not being imported before the said time, on penalty of forfeiture thereof, &c. and 100l. with costs of suit —— —— 92, 93
The said goods may be seized, &c. and the venders, &c. in whose possession the same shall be found, forfeit 100l. —— 93
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Stat. 8 Geo. 3, c. 15. Where his majesty's mercy shall be extended to any offender, upon condition of transportation, and the same be signified to the judge, by one of the principal secretaries of state, such judge may make order for the immediate transportation of such offender; who shall thereupon be transferred and made over to the contractor, &c. who shall have a property in the service of such offender for the term for which he or she is to be transported——Offender afterwards seen at large in Great Britain, without lawful cause, before the expiration of the said term, is to suffer death; and the person apprehending and prosecuting such person to conviction, is intitled to 20l. reward, and a certificate — —— 98, 99

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Stat. 6 Geo. 3, c. 36. Penalty on cutting down, spoiling, carrying away, &c. in the night-time, any oak or other timber-trees; or roots, shrubs, or plants, of 5s. value, in any garden, nursery, or inclosed ground; is felony——Court impowered to transport the offender for 7 years; the aiders and abettors therein, and persons who shall buy or receive such roots, shrubs, or plants, knowing the same to be stolen, are liable to like punishment, as if they had stolen the same—99, 100
Stat. 6 Geo. 3, c. 48. From and after 24 June, 1766, persons convicted of damaging, destroying, or carrying away any timber-trees, &c. or the lops or tops thereof, without consent of the owner, &c. forfeit for the first offence, not exceeding 20l. with the charges attending; and on non-payment, are to be committed for not more than 12, nor less than 6 months; for the second offence, a sum not exceeding 30l. &c. and on non-payment, are to be committed for not more than 18, nor less than 12 months; and for the third offence are to be transported for 7 years —— —— 100, 101
What trees are deemed timber-trees within the meaning of this act——Persons convicted of plucking up, spoiling, or taking away, any root, shrub, or plant, out of private cultivated ground, forfeit for the first offence, any sum not exceeding 40s. with the charges; for the second offence, a sum not exceeding 5l. with the charges; and for the third offence, are to be transported for 7 years 101, 102
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PRECEDENTS.

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Affray.

See Vol. 1, page 6—11, of *The Law of a Juſtice of Peace and Pariſh Officer.*

Warrant to apprehend Affrayers.

Staffordſhire } *To the Conſtable of*

WHEREAS *A. B.* of hath this day made oath before me eſq. one of his majeſty's juſtices of the peace for the ſaid county, that on the day of in the year of the reign of *C. D.* of and *E. F.* of at in the ſaid county, in a tumultuous manner made an affray, wherein the perſon of the ſaid *A. B.* was beaten and abuſed by them the ſaid *C. D.* and *E. F.* without any lawful or ſufficient provocation given to them, or to either of them, by him the ſaid *A. B.* Theſe are therefore to command you immediately to apprehend the ſaid *C. D.* and *E. F.* and bring them before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to anſwer the premiſſes, and to find ſureties, as well for their perſonal appearances at the next general quarter-ſeſſions of the peace, to be holden for the ſaid county, then and there to anſwer to an indictment to be preferred againſt them by the ſaid *A. B.* for the ſaid offence, as alſo for their keeping the peace in the mean time towards his ſaid majeſty and all his liege people, and eſpecially towards him the ſaid *A. B.* Herein fail not, as you ſhall anſwer the contrary at your peril. Given under my hand and ſeal, at in the ſaid county, this day of

Indictment for an Affray.

THE jurors for our lord the king, upon their oath, preſent, that of in the county of and of in the ſaid county of with force and arms, on the day of in the year of the reign of our ſovereign lord *George* the third, by the grace of God, of *Great-Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, at aforeſaid, in the county aforeſaid, being arrayed and unlawfully aſſembled together in a warlike manner, did make an affray, to the terror and diſturbance of divers of the ſubjects of our ſaid ſovereign lord the king, then and there being, and to the evil example of all other the ſubjects of our ſaid ſovereign lord the king, and againſt the peace of our ſaid lord the king, his crown and dignity.

Alehouſes.

Warrant to levy the penalty for ſuffering tipling; on Stat. 1 Jac. 1, *c.* 9, 21 Jac. 1, *c.* 7, *and* 1 Car. 1, *c.* 4. See Vol. 1, Pag. 14, 20, 22.

Staffordſhire } *To the Conſtable of and to the Church-wardens of the Pariſh of in the ſaid County.*

WHEREAS it hath been duly proved before me *A. B.* eſq. one of his majeſty's juſtices of the peace for the ſaid county, this preſent day, that of in the ſaid pariſh, alehouſe keeper, did upon the day of laſt paſt, permit and ſuffer of and of to remain and continue drinking and tipling in the alehouſe of the ſaid in the pariſh aforeſaid, they having no urgent occaſion, nor other lawful reaſon ſo to do, contrary to the form of the ſtatutes in that caſe made and provided: Theſe are therefore to require you the ſaid conſtable and church-wardens, or ſome or one of you, to levy by diſtreſs of the goods and chattels of the ſaid the ſum of ten ſhillings for the ſaid offence, for the uſe of the poor of the ſaid pariſh, and to detain the ſaid goods for the ſpace of days next after ſuch diſtreſs taken, if the ſaid forfeiture of ten ſhillings ſhall not be ſatisfied and paid to you within that time; and that after the ſaid days, if the ſame ſhall not be ſo paid as aforeſaid, together with the reaſonable charges of taking and keeping the ſaid diſtreſs, you do appraiſe and ſell the ſame to ſatisfy the ſaid forfeiture, rendering the overplus to the owner upon demand; reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs, being firſt deducted. And if there ſhall not be ſufficient diſtreſs, whereby to levy the ſaid ſum of ten ſhillings, that you do certify the ſame to me, together with the return of this warrant. Given under my hand and ſeal the day of

Commitment of an alehouſe-keeper, for ſuffering tipling in default of diſtreſs; on 1 Jac. 1, *c.* 9, *ſect* 3. 21 Jac. 1, *c.* 7, *ſect.* 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1, page 14, 20, 22.

Staffordſhire } *To the conſtable of and to the keeper of the common goal at in the ſaid county.*

WHEREAS on the day of it was duly proved before me that of in the pariſh of in the ſaid county, alehouſe-keeper, did upon the day of laſt paſt, ſuffer of and of to remain and continue drinking and tipling in the ale-houſe of the ſaid at aforeſaid, contrary to the form of the ſtatutes in that caſe made and provided; and whereas on the ſaid day of I did, by my warrant, require the conſtables and church-wardens of the ſaid pariſh of or ſome of them, to levy the ſum of ten ſhillings of lawful money, upon the goods and chattles of the ſaid being forfeited by him, to the uſe of the poor of the ſaid pariſh, for the ſaid offence. And whereas it duly appears to me, on the teſtimony of conſtable of

of aforeſaid, that he the ſaid hath uſed his beſt endeavours to levy the ſame as aforeſaid, but that the ſaid hath not ſufficient goods and chattles, upon which diſtreſs may be taken to ſatisfy the ſaid forfeiture: Theſe are therefore in his majeſty's name, to command you the ſaid conſtable of aforeſaid, to take the ſaid and to convey him ſafely to the gaol aforeſaid, and to deliver him there to the keeper thereof, together with this warrant. And I do hereby command you the ſaid keeper, ſafely to keep and detain the aforeſaid in your cuſtody in the ſaid gaol, until the ſaid ſum of ten ſhillings ſhall be duly paid for the uſe and purpoſe aforeſaid. Given under my hand and ſeal the day of

Warrant to receive the penalty, on the firſt conviction of drunkenneſs; on 4 Jac. 1, *c.* 5, *ſect.* 2, *and* 21 Jac. 1, *c.* 7, *ſect.* 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1, pag. 17, 20, 22.

Staffordſhire } *To the church-wardens of the pariſh of in the ſaid county.*

WHEREAS it hath been duly proved this day, before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of that of in the county aforeſaid, on the day of at aforeſaid, in the pariſh of in the ſaid county, was drunk, contrary to the ſtatutes in ſuch caſe made and provided; and the ſaid is thereof convicted before me; by which he hath forfeited the ſum of five ſhillings, to be diſpoſed of as is herein after mentioned. Theſe are therefore, in his majeſty's name, to command you the ſaid church-wardens, to demand and receive of and from the ſaid the ſaid ſum of five ſhillings, to be by you accounted for, to the uſe of the poor of the ſaid pariſh; and if he ſhall refuſe or neglect to pay the ſame by the ſpace of days from and after the date hereof, that you make a return to me of ſuch his refuſal or neglect, and of this warrant. Given under my hand and ſeal, at in the ſaid county, the day of

Warrant to levy the penalty of drunkenneſs, on non-payment; on 4 Jac. 1, *c.* 5, *ſect.* 2. 21 Jac. 1, *c.* 7, *ſect.* 1. 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1, pag. 17, 20, 22.

Staffordſhire } *To the conſtable of in the ſaid county.*

WHEREAS of in the pariſh of in the county aforeſaid, was on the day of convicted before me one of his majeſty's juſtices of the peace for the ſaid county, for that he the ſaid was on the day of drunk, at aforeſaid, in the pariſh and county aforeſaid, by which he hath forfeited the ſum of five ſhillings: And whereas I, the ſaid did iſſue my warrant on the day of to the church-wardens of the pariſh of aforeſaid, to demand and receive the ſaid ſum of five ſhillings of and from the ſaid And whereas it duly appears to me, as well on the oath of church-warden of the pariſh of aforeſaid, as otherwiſe, that they the ſaid church-wardens did, on the day of duly demand the ſaid ſum of five ſhillings of and from the ſaid but that he the ſaid hath neglected to pay the ſame, as aforeſaid, and that it is not as yet paid: Theſe are therefore to command you forthwith to levy the ſaid ſum, by diſtraining the goods and chattels of him the ſaid And if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges for taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you

do ſell the ſaid goods ſo by you diſtrained, as aforeſaid, and out of the money ariſing by ſuch ſale, that you do pay the ſaid ſum of five ſhillings to the church-wardens of the ſaid pariſh, for the uſe of the poor of the ſaid pariſh, rendering to him the ſaid the overplus upon demand; the neceſſary charges of taking, keeping, and ſelling the ſaid diſtreſs, being firſt deducted, and if the ſaid be not able to pay the ſaid ſum of five ſhillings, and ſufficient diſtreſs cannot be found, whereof to levy the ſaid ſum, that you certify the ſame to me, together with the return of this warrant. Given under my hand and ſeal this day of

Commitment to the ſtocks for drunkenneſs, on inability to pay the penalty; *on* 4 Jac. 1, *c.* 5, *ſect.* 2. 21 Jac. 1, *c.* 7, *ſect.* 1. 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1, pag. 17, 20, 22.

Staffordſhire } *To the conſtable of in the ſaid county.*

WHEREAS of in the ſaid county, labourer, was on the day of convicted before me one of his majeſty's juſtices of the peace for the ſaid county, for that he the ſaid was on the day of drunk at aforeſaid, in the pariſh of in the ſaid county, whereby he hath forfeited the ſum of five ſhillings: And whereas it duly appears to me, that the ſaid is not able to pay the ſaid ſum of five ſhillings: Theſe are therefore to require you, in his majeſty's name, to ſet him the ſaid in the ſtocks, there to remain for the ſpace of ſix hours. Given under my hand and ſeal the day of

Warrant to receive the penalty for tipling; *on* 4 Jac. 1, *c.* 5, *ſect.* 4. 21 Jac. 1, *c.* 7, *ſect.* 1. 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1. pag. 17, 20, 22.

Staffordſhire } *To the church-wardens of the pariſh of*

WHEREAS it hath been duly proved before me that of did on the day of remain and continue drinking and tipling in a common ale-houſe, known by the ſign of at in the ſaid pariſh in the county aforeſaid, contrary to the ſtatute in ſuch caſe made and provided, by reaſon whereof he hath forfeited the ſum of three ſhillings and four-pence to the uſe of the poor of the ſaid pariſh: Theſe are therefore to require you forthwith to demand of the ſaid the ſaid ſum of three ſhillings and four-pence. And if he ſhall refuſe or neglect to pay the ſame, as aforeſaid, by the ſpace of one week next after the date hereof, that you certify the ſame to me, together with the return of this precept. Given under my hand and ſeal at in the ſaid county, the day of

Warrant to levy the penalty for tipling, on non-payment; *on* 4 Jac. 1, *c.* 5, *ſect.* 4. 21 Jac. 1, *c.* 7, *ſect.* 1. *and* 1 Car. 1, *c.* 4, *ſect.* 1. See vol. 1, pag. 17, 20, 22.

Staffordſhire } *To the conſtable of in the ſaid county.*

WHEREAS it hath been duly proved before me that of did on the day of remain and continue drinking and tipling in a common ale-houſe, known by the ſign of in the pariſh of in the ſaid county, contrary to

to the ſtatutes in ſuch caſe made and provided; by reaſon whereof he hath forfeited the ſum of three ſhillings and four-pence to the uſe of the poor of the ſaid pariſh: And whereas on the day of I did by my warrant require the church-wardens of the ſaid pariſh to demand of the ſaid the ſaid ſum of three ſhillings and four pence, to the uſe of the poor as aforeſaid: And whereas it appears to me, as well on the oath of church-warden of the pariſh aforeſaid, as otherwiſe, that he the ſaid did on the day of duly demand of the ſaid the ſaid ſum for the uſe as aforeſaid; but that he the ſaid has neglected to pay the ſame as aforeſaid, and that it is not as yet paid: Theſe are therefore to require you forthwith to diſtrain the goods and chattles of him the ſaid and if within the ſpace of days next after ſuch diſtreſs taken, the ſaid ſum ſhall not be paid, together with the reaſonable charges of taking and keeping the ſame, that then you do ſell the ſaid goods and chattles by you ſo diſtrained, and out of the money ariſing by ſuch ſale, that you do pay the ſaid ſum of three ſhillings and four-pence, to the church-wardens aforeſaid, for the uſe aforeſaid; returning to him the ſaid the overplus upon demand; the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs, being firſt deducted. And you are to certify to me, with the return of this precept, what you ſhall have done in the premiſſes. Given under my hand and ſeal the day of

Commitment to the ſtocks for tipling, on inability to pay the penalty; on 4 Jac. 1, c. 5. See vol. 1, pag. 17, 18.

Staffordſhire } *To the conſtables of*

WHEREAS it hath been duly proved before me that of did on the day of remain and continue drinking and tipling in a common ale-houſe, known by the ſign of in the pariſh of in the county aforeſaid, contrary to the form of the ſtatutes in ſuch caſe made and provided, by reaſon whereof he hath forfeited the ſum of three ſhillings and four-pence to the uſe of the poor of the ſaid pariſh; and whereas it duly appears to me, that the ſaid is not able to pay the ſaid forfeiture. Theſe are therefore to require you to ſet the ſaid in the ſtocks, there to remain by the ſpace of four hours; and for your ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of

Warrant to the high conſtable to iſſue warrants to the petty conſtables, to ſummon alehouſe-keepers to be licenſed; on 5 and 6 Edw. 6, c. 25, and 26 Geo. 2, c. 31, ſect. See vol. 1, pag. 12, 26.

Staffordſhire } *To gent. high-conſtable of within the ſaid county.*

PURSUANT to the ſtatutes in this caſe made and provided, theſe are to require you, on ſight hereof, to iſſue out your warrants to all petty conſtables belonging to the ſeveral conſtablewicks within your ſaid in form, or to the effect hereafter following. Given under our hands and ſeals the day of

The form of a warrant as above directed.

Staffordſhire. } *To the conſtables of*

BY virtue of a warrant from his majeſty's juſtices of the peace acting in the ſaid to me directed, you are hereby required to give notice to all licenſed inn-keepers, and ale-houſe-keepers, and licenſed brandy-ſellers, or other retailers of diſtilled liquors to be drank in their houſes within your conſtablewick; and alſo to all perſons unlicenſed (ſo far as the ſame ſhall come to your knowledge) who do intend to offer themſelves to be licenſed at the next general meeting of the ſaid juſtices for that purpoſe, that they do perſonally appear before the ſaid juſtices at on the day of next, at the hour of in the forenoon of the ſame day, to take or renew their licenſes for the enſuing year; and alſo to give them notice, that every perſon then and there to be licenſed, muſt perſonally enter into a recognizance in the ſum of ten pounds, together with two ſureties in five pounds each, or one ſurety in ten pounds, that they will not uſe or ſuffer any unlawful games, and that they will keep good order and rule in their reſpective houſes and other places; and if any ſhall be hindred by ſickneſs, or other reaſonable cauſe to be allowed by the ſaid juſtices, that he muſt procure two ſureties, then and there to be bound in like manner in ten pounds each.

And unto ſuch perſons as have not been licenſed for the year preceding, you are further to give notice, that no licenſe will be granted to any of them, unleſs he ſhall alſo at the ſame time and place produce a certificate, under the hands of the miniſter and the major part of the churchwardens and overſeers, or elſe of three or four reputable and ſubſtantial houſe-holders of the place, where he inhabiteth, ſetting forth that he is of good fame, and of ſober life and converſation.

And you are to make a return to ſuch juſtices at the ſame time and place, in writing under your hand, containing the names of all ſuch perſons as you ſhall have ſummoned ſo to appear before them as aforeſaid, together with their dwelling places, and the ſigns by which their houſes are known.

Herein fail not. Given under my hand at in the ſaid county the day of in the year of our Lord

High Conſtable.

Licence to keep an ale-houſe on the 26 Geo. 2, c. 31. See vol. 1, pag. 26.

Staffordſhire. } AT a general meeting of his majeſty's juſtices of the peace for the ſaid county, acting within the diviſion of aforeſaid in the county aforeſaid, holden at in and for the ſaid diviſion, for licenſing perſons to keep common inns and ale-houſes, the day of *September*, in the year of the reign of our ſovereign lord *George* the of *Great-Britain*, *France*, and *Ireland* king, defender of the faith, and ſo forth, and in the year of our Lord 17

We his majeſty's juſtices of the peace for the ſaid county, whoſe hands and ſeals are hereunto ſet (whereof one is of the quorum) aſſembled at the ſaid general meeting, do allow and licence at the ſign of in within the diviſion and county aforeſaid, to keep a common ale-houſe, or victualling-houſe, and to utter and ſell victuals, beer, ale, cyder, and other exciſeable liquors, to be drank in the ſaid houſe, wherein he now dwelleth, and not elſewhere, for one whole year from the twenty-ninth day of this preſent month of *September*, and no longer; ſo as the true aſſize in bread, beer, ale and other liquors, hereby allowed to be ſold, be duly kept; and

and no unlawful game, or games, drunkenneſs, or any other diſorder be ſuffered in his houſe, yard, garden, or backſide; but that good order and rule be maintained and kept therein, according to the laws of this realm in that behalf made. Given under our hands and ſeals, the day and year firſt above written.

If he hath not been licenſed the year before, then theſe words muſt be inſerted, viz. A certificate under the hands of having been firſt produced to us, ſetting forth, that is of good fame, and of a ſober life and converſation.

Recognizance of an alehouſe-keeper, on 26 Geo. 2, c. 31, ſ. 1. See v. 1, p. 26.

Staffordſhire. } BE it remembered, that on the day of in the year of the reign of our ſovereign lord *George* the by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, of in the county aforeſaid, inn-keeper, and of yeoman, perſonally came before us eſquire, juſtices of the peace for the ſaid county, and acknowledged themſelves to owe to our ſaid ſovereign lord the king; that is to ſay, the ſaid the ſum of ten pounds, and the ſaid and the ſum of five pound each, of good and lawful money of *Great Britain*, to be made and levied of their goods and chattels, lands and tenements, reſpectively, to the uſe of our ſaid ſovereign lord the king, his heirs and ſucceſſors, if the ſaid ſhall make default in the condition underwritten. The condition of this recognizance is ſuch, that whereas the above bounden is licenſed to keep a common inn and alehouſe for one year from the twenty-ninth day of this preſent month of *September*, in the houſe where he now dwelleth at aforeſaid; if he the ſaid ſhall keep and maintain good order and rule, and ſhall ſuffer no diſorders nor unlawful games to be uſed in his ſaid houſe, nor in any out-houſe, yard, garden, or backſide, thereunto belonging, during the ſaid term, then this recognizance ſhall be void.

Taken and acknowledged the day and year above written, before us, }

Information and complaint for ſelling ale without licence; on the 5 Geo. 3. c. 46. See vol 1, p. 32.

Staffordſhire. } BE it remembered, that on the day of in the year of the reign of his majeſty king *George* the third, that now is, *A. B.* in his proper perſon, as well for his ſaid majeſty as for himſelf, maketh and exhibiteth to me *C. D.* eſquire, one of his ſaid majeſty's juſtices of the peace in and for the ſaid county, a complaint and information, and thereby informeth me, that on the day of now laſt paſt, and at ſeveral times between the ſaid day of and the time of making and exhibiting this complaint and information, one *E. F.* of in the county aforeſaid, did ſell ale and beer, and other exciſeable liquors, by retail, without being duly licenſed ſo to do: whereby the ſaid *E. F.* hath forfeited the ſum of forty ſhillings, together with the coſts and expences of convicting the ſaid *E. F.* for the ſaid offence; and that *G. H.* of in the ſaid county, is a material witneſs to be examined concerning the premiſſes: And thereupon the ſaid *A. B.* who as well for his ſaid majeſty as for himſelf, exhibiteth this information, prayeth judgment of me the ſaid juſtice in the premiſſes, that he may have one moiety of the ſaid ſum of forty ſhillings, and alſo the coſts and expences of ſuch conviction as aforeſaid, according to the form of the ſtatute in that caſe made and provided; and that the ſaid *E. F.* may be ſummoned to anſwer the ſaid premiſſes, and the ſaid *G. H.* to teſtify his knowledge therein.

Summons.

Summons of a perſon for ſelling ale without licence, and alſo of a witneſs; on the 5 Geo. 3, c. 46. See vol. 1, p. 32.

Staffordſhire. } *To the conſtable of in the ſaid county.*

WHEREAS a complaint hath been made, and information hath been this day exhibited before me *A. B.* eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, by *C. D.* of ſetting forth, that on the day of now laſt paſt, and ſeveral times between the ſaid day of and the time of making and exhibiting the ſaid information and complaint, one *E. F.* of in the county aforeſaid, at aforeſaid, in the county aforeſaid, did ſell ale and beer, and other exciſeable liquors, by retail, without being licenſed ſo to do; and that *G. H.* of in the ſaid county, is a material witneſs to be examined concerning the premiſſes: Theſe are therefore to require you forthwith to ſummon the ſaid *E. F.* to appear before me at in the ſaid county, on the day of at the hour of to anſwer to the matter ſo complained and informed of againſt him; and to ſummon alſo the ſaid *G. H.* to appear before me at the ſame time and place, to teſtify his knowledge in the premiſſes. And be you then there to certify what you ſhall have done in the execution thereof. Herein fail you not. Given under my hand and ſeal, this day of in the year

Summons of a witneſs, or defendant, in behalf of either of the parties, proſecutor or defendant; on the 5 Geo. 3, c. 46. See vol. 1, p. 32.

Staffordſhire. } *To the conſtable of in the ſaid county.*

WHEREAS a complaint hath been made and information hath been this day exhibited before me *A. B.* eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, by *C. D.* of ſetting forth, that on the day of now laſt paſt, and at ſeveral times between the ſaid day of and the time of exhibiting the ſaid information and complaint, one *E. F.* of in the county aforeſaid, yeoman, at aforeſaid, in the county aforeſaid, did ſell ale and beer, and other exciſeable liquors, by retail, without being duly licenſed ſo to do; and that *G. H.* of in the ſaid county, is a material witneſs to be examined concerning the premiſſes: Theſe are therefore to require you forthwith to ſummon the ſaid *G. H.* to appear before me at in the ſaid county, on the day of at the hour of to teſtify his knowledge in the premiſſes. And be you then there, to certify what you ſhall have done in the execution hereof. Herein fail you not. Given under my hand and ſeal, this day of in the year

Conviction for ſelling ale without licence; on the 5 Geo. 3, c. 46, *ſpecially directed by the ſtatute.* See the form, in vol. 1, p. 37.

Commitment on non-payment of the penalty for ſelling ale without licence; on the 5 Geo. 3, c. 46. See vol. 1, p. 35, 36.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of his majeſty's gaol at in the ſaid county.*

WHEREAS *E. F.* of in the county aforeſaid, was on the day of duly convicted before me *C. D.* eſquire, one of his ſaid majeſty's juſtices of the peace in and for the ſaid county, for ſelling ale [beer, or other exciſeable liquors,

quors, as the caſe ſhall be] without being duly licenſed ſo to do, according to the ſtatutes in ſuch caſe made and provided; whereby he hath forfeited the ſum of forty ſhillings (this being the firſt offence), beſides the coſts and expences of his conviction, which expences I have aſcertained and aſſeſſed at the ſum of purſuant to the ſtatute in ſuch caſe made and provided: And whereas the ſaid *E. F.* on the ſaid day of had notice of the ſaid conviction, and hath refuſed or neglected to pay, and hath not paid, the ſaid ſeveral ſums of forty ſhillings and : Theſe are therefore to command you the ſaid conſtable, to apprehend him the ſaid *E. F.* and him to convey to the ſaid gaol at aforeſaid, and deliver him to the ſaid keeper thereof, together with this precept: And I do hereby command you the ſaid keeper of the ſaid gaol, to receive into your cuſtody in the ſaid gaol, him the ſaid *E. F.* and him there ſafely to keep for the ſpace of one month, unleſs he ſhall ſooner pay the ſaid ſeveral ſums of forty ſhillings and , being the coſts, charges, and expences of ſuch conviction, and executing the ſame. Given under my hand and ſeal, the day of in the year

The like form will do for the ſecond, third, *or other ſubſequent offence,* mutatis mutandis.

Appeal.

Proceedings in appeals of murder in the reign of queen Elizabeth *and king* James I, *now firſt tranſlated from the* Latin *Entries of Sir* Edward Coke.

Middleſex, to wit, } *THOMAS HOLCROFT*, late of *Hampton* in the county of *Middleſex*, eſquire, otherwiſe named *Thomas Holcroſt*, late of *Hampton* aforeſaid, in the county aforeſaid, eſquire, was attached by his body to anſwer *Thomas Burgh*, eſquire, the brother and heir of *Henry Burgh*, late of *Hampton* aforeſaid, in the ſaid county of *Middleſex*, eſquire, concerning the death of the ſaid *Henry*, formerly his brother, whereof he appealeth him: And there are pledges to proſecute; to wit, *Richard Bulkeley* of *Beaumaris*, in the county of *Angleſea*, knight; and *Richard Tophffe* of *Somerby*, in the county of *Lincoln*, eſquire; and whereof the ſame *Thomas Burgh*, by *Michael Lowe*, his guardian, here admitted by the court of the lady the queen, inſtantly appealeth the ſaid *Thomas Holcroft*; for that, whereas the ſaid *Henry* was in the peace of God, and the ſaid lady, now the queen, at *Hampton* aforeſaid, in the ſaid county of *Middleſex*, on the thirteenth day of *January*, in the twentieth year of the reign of the lady *Elizabeth*, by the grace of God, of *England*, *France*, and *Ireland*, queen, defender of the faith, and ſo forth, about the hour of eleven before noon of the ſame day, there came the ſaid *Thomas Holcroſt*, felonioufly, and as a felon, of the ſaid lady the now queen, by laying in wait, and by a premeditated aſſault, and of his malice aforethought, againſt the peace of the ſaid lady, the now queen, her crown, and dignity, on the day, in the year, at the hour, at the place, and in the county of *Middleſex* aforeſaid; and the ſaid *Thomas Holcroſt*, with a ſword called a rapier, of the value of ten ſhillings, which the ſaid *Thomas Holcroft* then and there had, and held in his right hand, the ſaid *Henry*, then, and there, felonioufly, and maliciouſly, of his malice afore-thought, upon the fore-part of his body, to wit, on the right breaſt, then, and there, felonioufly did ſtrike, and ſtab, and give to the ſaid *Henry*, then, and there, one mortal wound of the depth of four inches, and the breadth of one inch, of which mortal wound the ſaid *Henry* did languiſh, and languiſhing did live at *Hampton* aforeſaid, from the ſaid eleventh hour,

before noon of the ſaid thirteenth day of *January*, in the twentieth year aforeſaid, until the hour of twelve at noon of the ſame day, at which hour of twelve at noon of the ſame thirteenth day of *January*, in the ſaid twentieth year, the ſaid *Henry*, at *Hampton* aforeſaid, in the county of *Middleſex* aforeſaid, of the ſaid wound did die; and ſo the ſaid *Thomas Holcroft*, the ſaid *Henry*, at *Hampton* aforeſaid, in the county of *Middleſex* aforeſaid, on the ſaid thirteenth day of *January*, in the ſaid twentieth year, in manner and form aforeſaid, felonioufly did kill and of his malice aforethought did murder, againſt the peace of the ſaid lady the now queen, her crown and dignity; and as ſoon as the ſaid felon had committed the felony and murder aforeſaid, in form aforeſaid, he fled, and the ſaid *Thomas Burgh* forthwith purſued him from vill to vill, unto the four nearer vills and farther, until, and ſo forth. And if the ſame felon will deny the felony and murder aforeſaid charged on him, in form aforeſaid, the ſaid *Thomas Burgh* is ready to prove it againſt him, as the court, and ſo forth.

And the ſaid *Thomas Holcroft* in his proper perſon comes and defends the force and injury, when, and ſo forth, the whole felony and murder, and whatever, and ſo forth, and ſaith that the ſaid *Thomas Burgh* ought not to have or maintain his appeal aforeſaid, of the death aforeſaid againſt him; becauſe he ſaith that he the ſame *Thomas Holcroft*, by the name of *Thomas Holcroft*, late of *Hampton* aforeſaid, in the county aforeſaid, eſquire, heretofore, to wit, on the fifteenth day of *January*, in the twentieth year of the reign of the lady the now queen, at the houſhold of her the lady the now queen, called the honour of *Hampton-court*, in the pariſh of *Hampton*, in the county of *Middleſex*, then within the verge of the ſaid houſhold being, by a certain inquiſition, then there taken, before *Richard Vale*, gent. then coroner of the houſhold of the lady the queen, and one of the coroners of the ſame lady the queen in the ſaid county of *Middleſex*, upon view of the body of the ſaid *Henry Burgh*, then there lying dead and kil'ed, upon the oath of *Thomas Cox*, *John Henſhaw*, *John Powell*, *Nicholas Birde*, *John Ireland*, *Peter Loward*, *John Maye*, *William Lawrence*, *Thomas Clarke*, *Thomas Alderton*, *George Boydell*, *George Burton*, *Robert Hill*, *John Page*, *Thomas Slye*, *John Grete*, *William Eſton*, *Francis Baldwin*, *John Gourley*, and *John Bartlet*, good and lawful men of the ſaid houſhold of the ſaid lady the queen, and of the county of *Middleſex* aforeſaid, was indicted of the ſaid death of the ſaid *Henry Burgh*, which indictment followeth in theſe words: *Middleſex*, to wit, An inquiſition indented, taken at the houſhold of our lady *Elizabeth*, by the grace of God of *England*, *France*, and *Ireland*, queen, defender of the faith, and ſo forth, called the honour of *Hampton-court*, in the pariſh of *Hampton*, in the county of *Middleſex*, within the verge, on the fifteenth day of *January*, in the twentieth year of the reign of the ſame lady the queen, before *Richard Vale*, gentleman, coroner of the houſhold of the ſaid lady the queen, and one of the coroners of the ſame lady the queen in the ſaid county of *Middleſex*, upon view of the body of *Henry Borowe*, otherwiſe *Burgh*, late of *Hampton* aforeſaid, in the ſaid county, eſquire, there lying dead and ſlain, upon the oath of *Thomas Cox*, *John Henſhaw*, *John Powell*, *Nicholas Birde*, *John Ireland*, *Peter Loward*, *John Maye*, *William Lawrence*, *Thomas Clarke*, *Thomas Alderton*, *George Boydell*, *George Burton*, *Robert Hill*, *John Page*, *Thomas Slye*, *John Grete*, *William Eſton*, *Francis Baldwin*, *John Gourley*, and *John Bartlet*, good and lawful men of the houſhold of the ſaid lady the queen, and of the county aforeſaid; who ſay upon their oath that, Whereas the ſaid *Henry Borowe*, otherwiſe *Burgh*, and one *Thomas Holcroft*, late of *Hampton* aforeſaid, in the county aforeſaid, eſquire, on the twelfth day of *January* in the ſaid twentieth year, being together within the ſaid houſhold of the ſaid lady the queen, within the verge aforeſaid, *Henry Borowe* otherwiſe *Burgh*, then and there uttered certain contumelious and opprobrious words againſt the ſaid *Thomas Holcroft*, and afterwards, to wit, on the thirteenth day of the ſame month of *January* in the ſaid twentieth year, between the hours of eleven and twelve, before noon of the ſame day, the ſaid *Thomas Holcroft* going or walking from the apartments of the right honourable *Robert* earl of *Leiceſter*, the ſaid apartments then being within the ſaid houſhold of

the

the ſaid lady the queen, within the verge, towards the apartments in the ſame houſhold of one *Thomas Pynner*, eſquire, one of the clerks of the kitchen of the ſaid lady the queen, with an intention then and there to dine; and as the ſaid *Thomas Holcroft* was going or walking from the ſaid apartments of the ſaid earl of *Leiceſter*, towards the ſaid apartments of the ſaid *Thomas Pynner*, and being in a certain gallery, lying next to the ſaid apartments of the ſaid earl of *Leiceſter*, it ſo happened that the ſaid *Henry Borowe* otherwiſe *Burgh*, and the ſaid *Thomas Holcroft*, then and there in the gallery aforeſaid, did meet together by chance; whereupon the ſaid *Henry Borowe* otherwiſe *Burgh*, and *Thomas Holcroft* went or walked together from the ſaid gallery, talking together and behaving as intimate friends to each other, until they came into a certain park of the ſaid lady the queen, called *Hampton-court-park*, lying next to the ſaid houſhold of the ſaid lady the queen, in the ſaid county of *Middleſex*, within the verge, and ſo forth; and the ſaid *Henry Borowe* otherwiſe *Burgh*, and *Thomas Holcroft* being together in the park aforeſaid, in a certain place there, called *Woodgrove*, diſtant from a certain outward gate, commonly uſed for a paſſage, from the ſaid houſhold of the ſaid lady the queen, called the honour of *Hampton-court* in the ſaid county, within the verge, eight hundred feet of the ſtandard; and the ſaid *Henry Borowe* otherwiſe *Burgh*, then and there having in his right hand a ſword, called a rapier of iron and ſteel, of the value of thirteen ſhillings and four-pence, and in his left hand a dagger of iron and ſteel, of the value of four ſhillings; and the ſaid *Thomas Holcroft* then and there having in his right hand a ſword called a rapier, of iron and ſteel, of the value of ſixteen ſhillings, and in his left hand a dagger of iron and ſteel, of the value of four ſhillings; the ſaid *Henry Borowe*, otherwiſe *Burgh*, and *Thomas Holcroft*, with their ſwords and daggers aforeſaid, on the ſaid thirteenth day of *January*, in the ſaid twentieth year, between the hours aforeſaid, in the park aforeſaid, in *Woodgrove* aforeſaid, diſtant from any outward gate of the ſaid houſhold of the ſaid lady the queen, eight hundred feet of the ſtandard, as aforeſaid, in the ſaid county of *Middleſex* within the verge, then and there did fight together, and make an affray, to wit, one againſt the other, the ſaid lady the queen then ſojourning and continuing in her royal perſon within the ſaid houſhold; in which affray the ſaid *Thomas Holcroft*, with his ſword aforeſaid, called a rapier, which then and there he had and held in his right hand, the ſaid *Henry Borowe* otherwiſe *Burgh*, on the fore part of his body, to wit, upon his right breaſt, then and there did ſtrike and ſtab, giving the ſaid *Henry Borowe* otherwiſe *Burgh* then and there, with his ſaid ſword called a rapier, one mortal wound of the depth of four inches, and the breadth of one inch; of which mortal wound the ſaid *Henry Borowe*, otherwiſe *Burgh*, within half an hour then immediately following, in a certain lodging, commonly called *Huggin's* lodging, ſituate and being within the bounds and limits of the ſaid houſhold of the ſaid lady the queen, called the honour of *Hampton-court*, in the ſaid county of *Middleſex*, within the verge, did die; the ſame lady the queen, in her royal perſon in her houſhold aforeſaid, then ſojourning and continuing, as aforeſaid; and ſo the jurors aforeſaid, upon their oath, do ſay, that the ſaid *Thomas Holcroft*, him the ſaid *Henry Borowe* otherwiſe *Burgh*, on the ſaid thirteenth day of *January*, in the twentieth year aforeſaid, at the honour of *Hampton-court* aforeſaid, in the county of *Middleſex*, within the verge, in manner and form aforeſaid, felonioufly did kill and ſlay, againſt the peace of the ſaid lady the queen, her crown and dignity; and ſo the ſame *Henry Borowe*, otherwiſe Burgh, came to his death, and not otherwiſe, nor in any other manner than as afore is ſaid; but what goods and chattles, lands or tenements the ſaid *Thomas Holcroft* had at the time of the felony aforeſaid, by him in form aforeſaid committed and perpetrated, the jurors aforeſaid are utterly ignorant; and further the jurors aforeſaid do ſay that the ſaid *Thomas Holcroft*, after the felony aforeſaid, by him in manner and form aforeſaid committed and perpetrated, did not fly nor withdraw himſelf; in teſtimony whereof, as well the ſaid coroner as the ſaid jurors have put their ſeals to this inquiſition; dated the day and year aforeſaid, and ſo forth. After which indictment ſo found and had, to wit, on the fourteenth day of

February, in the ſaid twentieth year of the reign of the ſaid lady the queen, the ſaid lady the now queen gave in command to her well beloved and faithful counſellor *William* lord *Burghley*, lord treaſurer of *England*; to her moſt dear couſins and counſellors *Thomas* earl of *Suſſex*, her lord chamberlain; *Robert* earl of *Leiceſter*, her maſter of horſe; and her beloved and faithful counſellors *Henry* lord *Hunſdon*; *Francis Knolles*, knight, treaſurer of her houſhold; *James Croſt*, knight, controller of her houſhold; *Chriſtopher Hatton*, knight, her vice-chamberlain and captain of her guard; *Francis Walſingham*, knight, one of her principal ſecretaries; *Thomas Wilſon*, another of her principal ſecretaries; *John Southcot*, one of the juſtices aſſigned to hold pleas before the queen herſelf; *Roger Manwood*, one of the juſtices of the Bank; *Thomas Seckford*, one of the maſters of her court of Requeſts, and ſteward of the *Marſhalſea-court* of her houſhold; *Valentine Dale*, another of the maſters of the court of Requeſts; *John Forteſcue*, maſter of her great wardrobe; *Gilbert Gerrard*, her attorney-general; *Thomas Bromley*, her ſolicitor-general; *William Fleetwood*, recorder of the city of *London*; *Anthony Crane*, *John Abbington*, *Gregory Lovell*, *Henry Trayford*, and *William Daniel*, eſquires, her letters patent ſealed under her great ſeal of *England* in theſe words: "*Elizabeth*, by the grace of God, of *England*, *France* and *Ireland*, queen, defender of the faith, and ſo forth, to her well-beloved and faithful counſellor *William* lord *Burghley*, lord treaſurer of *England*; and to her very dear couſins and counſellors *Thomas* earl of *Suſſex*, her lord chamberlain; *Robert* earl of *Leiceſter*, her maſter of horſe; and her beloved and faithful counſellors *Henry* lord *Hunſdon*; *Francis Knolles*, knight, treaſurer of her houſhold; *James Croſt*, knight, controller of her houſhold; *Chriſtopher Hatton*, knight, her vice-chamberlain, and captain of her guards; *Francis Walſingham*, knight, one of her principal ſecretaries; *Thomas Wilſon*, another of her principal ſecretaries; *John Southcot*, one of the juſtices aſſigned to hold pleas before us; *Roger Manwood*, one of our juſtices of the bench; *Thomas Seckford*, one of the maſters of her court of requeſts, and ſteward of the *Marſhalſea-court* of her houſhold; *Valentine Dale*, another maſter of the court of requeſts; *John Forteſcue*, maſter of her great wardrobe; *Gilbert Gerrard*, her attorney-general, *Thomas Bromley*, her ſolicitor-general; *William Fleetwood*, recorder of the city of *London*, *Anthony Crane*, *John Abbington*, *Gregory Lovell*, *Henry Trayford*, *William Daniel*, eſquires, ſendeth greeting; Know ye that we, being very confident of your fidelity, induſtry, prudence, and circumſpection, have aſſigned you twenty-two, and twenty-one, nineteen, eighteen, ſeventeen, ſixteen, fifteen, fourteen, thirteen, twelve, eleven, ten, nine, eight, ſeven, ſix, five, four, and three of you, whereof you the ſaid lord *Burghley*, earl of *Suſſex*, earl of *Leiceſter*, *Henry* lord *Hunſdon*, *Francis Knolles*, *James Croſt*, *Chriſtopher Hatton*, *Francis Walſingham*, *Thomas Wilſon*, *John Southcot*, *Roger Manwood*, *Thomas Seckford*, *Gilbert Gerrard*, *Thomas Bromley*, and *William Fleetwood*, we will to be one, our juſtices, to enquire by the oath of good and lawful men, as well of our houſhold as of every county and place within the verge of our houſhold, where we then are or hereafter ſhall be, by whom the truth of the matter might be the better known and enquired into, of all and all manner of treaſons, miſpriſions of treaſons, felonies, murders, riots, routs, tranſgreſſions, and other miſdeeds, and offences whatſoever, perpetrated or to be perpetrated, and alſo the acceſſaries of the ſame, within our ſaid houſhold or without, within the verge of the ſame houſhold; and to hear and determine the ſaid treaſons and other premiſſes, according to the laws, ſtatutes, and cuſtoms of our kingdom of *England*. We have alſo aſſigned you, and three of you, of whom you the ſaid lord *Burgley* earl of *Suſſex*, earl of *Leiceſter*, *Henry* lord *Hunſden*, *Francis Knolles*, *James Croſt*, *Chriſtopher Hatton*, *Francis Walſingham*, *Thomas Wilſon*, *John Southcot*, *Roger Manwood*, *Thomas Seckford*, *Gilbert Gerrard*, *Thomas Bromley*, and *William Fleetwood*, we will to be one, our juſtices to deliver our gaol of the *Marſhalſea* of our houſhold, as well of the priſoners in the ſame being as of the priſoners that ſhall hereafter be in the ſame, for whatever crimes perpetrated or to be perpetrated within our ſaid houſhold, or without, within the verge of the ſame houſhold; and therefore we command you, that on certain days and at places

places which you or three of you, of whom you the ſaid lord *Burghley* earl of *Suſſex*, earl of *Leiceſter*, *Henry* lord *Hunſdon*, *Francis Knolles*, *James Croft*, *Chriſtopher Hatton*, *Francis Walſingham*, *Thomas Wilſon*, *John Southcot*, *Roger Manwood*, *Thomas Seckford*, *Gilbert Gerrard*, *Thomas Bromley*, and *William Fleetwood*, we will to be one, ſhall appoint for this purpoſe, you do aſſemble together within the verge aforeſaid, and diligently enquire concerning the premiſſes, and deliver the ſaid gaol of the ſaid priſoners; and that all and ſingular the premiſſes you do hear and determine, and the ſame do and perform in manner aforeſaid, and do therein what to juſtice appertains, according to the laws, ſtatutes, and cuſtoms of our kingdom of *England*; ſaving to us the amerciaments and other things thereout belonging to us; commanding, notwithſtanding, by the tenor of theſe preſents, our marſhal of our *Marſhalſea* aforeſaid, that on certain days, and at places, which you or three of you, of whom you the ſaid lord *Burghley* earl of *Suſſex*, earl of *Leiceſter*, *Henry* lord *Hunſdon*, *Francis Knolles*, *James Croft*, *Chriſtopher Hatton*, *Francis Walſingham*, *Thomas Wilſon*, *John Southcot*, *Roger Manwood*, *Thomas Seckford*, *Gilbert Gerrard*, *Thomas Bromley*, and *William Fleetwood*, we will to be one, ſhall cauſe to be made known to him, that he omit not for any liberty in every county and place within the verge of our houſhold, where we now are or hereafter ſhall be, within our kingdom of *England*, or dominion of the ſame; but that he cauſe to come ſo many good and lawful men as well of our houſhold aforeſaid, as of every county and place within the verge of the ſame houſhold, where we now are or hereafter ſhall be, by whom the truth of the matter in the premiſes might be the better known and enquired of; and alſo all the priſoners in the ſaid gaol of the *Marſhalſea* of our ſaid houſhold being, or who hereafter ſhall be, with their attachments, for whatſoever crimes perpetrated or to be perpetrated within our ſaid houſhold, or without, within the verge of the ſame houſhold, before you or three of you, whereof you the ſaid lord *Burghley*, earl of *Suſſex*, earl of *Leiceſter*, *Henry* lord *Hunſdon*, *Francis Knolles*, *James Croft*, *Chriſtopher Hatton*, *Francis Walſingham*, *Thomas Wilſon*, *John Southcot*, *Roger Manwood*, *Thomas Seckford*, *Gilbert Gerrard*, *Thomas Bromley*, and *William Fleetwood*, we will to be one; commanding moreover, by the tenor of theſe preſents, all and ſingular, peers, lords, knights, mayors, juſtices, ſheriffs, bailiffs, ſeneſchals, conſtables, and other our officers and miniſters, and faithful ſubjects, whomſoever as well of our ſaid houſhold, as of every county and place, within the verge of the ſame houſhold, that to you and each of you in the execution of the premiſes, they be aiding and aſſiſting, and obedient in all things, as it behoveth them: In teſtimony whereof we have cauſed theſe our letters to be made patent, witneſs ourſelf at *Hampton-court*, the fourteenth day of *February*, in the twentieth year of our reign." By virtue of which letters patent, afterwards, to wit, on the ſixteenth day of the ſaid month of *February*, a precept was iſſued by the ſaid juſtices of the *Marſhalſea* of the houſhold of the ſaid lady the queen, to the ſaid marſhal, that he cauſe to come before the ſaid juſtices at *Hampton-court*, in the county of *Middleſex*, (the ſame lady the queen being then there, and abiding in her royal majeſty,) on *Friday* the twenty-firſt day of *February*, in the twentieth year of the reign of the ſaid lady the queen, all the priſoners being in the gaol of the *Marſhalſea* of the houſhold of the ſaid lady the queen, or diſcharged by him on manucaption, with their attachments, and all other matters in any ways touching the ſaid delivery, and remaining with him; a precept was then alſo iſſued by the ſaid juſtices to the ſame marſhal, that he omit not, by reaſon of any liberty within the verge, but that he cauſe to come before the ſaid juſtices on the day, in the year, and in the place aforeſaid, as well twenty-four good and lawful men of every hundred in the counties of *Middleſex* and *Surry*, within the verge aforeſaid, to enquire, preſent, do and execute all and ſingular the matters which to them, on the part of the ſaid lady the queen, ſhould then and there be enjoined, as other twenty-four good and lawful men of the counties of *Middleſex* and *Surry* aforeſaid, to make a jury for the ſaid lady the queen and the ſaid priſoners; and, moreover, the ſame marſhal was commanded by the ſame juſtices, that he cauſe to come twenty-four good and lawful men of the houſhold-court of the ſaid lady the

queen,

queen, whoſe names are enrolled in the rolls of the *Exchequer* of the ſame houſhold; to enquire, preſent, do and execute all and ſingular the matters which to them on the part of the ſaid lady the queen, ſhould then and there be enjoined; and that he cauſe to be proclaimed the ſaid delivery in cities, boroughs, fairs, markets, and in all other public places, as well within liberties as without, within the verge aforeſaid, that all thoſe who would proſecute againſt the ſaid priſoners for the ſaid lady the queen, or who would proſecute for themſelves, concerning the premiſes, ſhould be then there; and that he alſo make known to all juſtices aforeſaid, coroners of the houſhold of the ſaid lady the queen, and coroners of the counties of *Middleſex* and *Surry*, that they be then there, to do thoſe things which to their office belong to be done; and that the ſame marſhal or his deputy, together with his verge-bearers, ſhould be likewiſe there, to do thoſe things which belong to their office to be done. On which twenty-firſt day of *February*, to wit, at the general ſeſſions and gaol-delivery of the ſaid lady the queen, of the *Marſhalſea* of her houſhold aforeſaid, holden at *Hampton-court* aforeſaid, in the county of *Middleſex* aforeſaid, within the verge of the ſaid court, before the ſaid *Francis Knolles*, knight, treaſurer of the houſhold of the ſaid lady the queen; *James Croft*, knt. controller of the ſame houſhold, *Chriſtopher Hatton*, knight, vice-chamberlain of the ſame lady the queen, and captain of her guard; *Thomas Seckford*, one of the maſters of her court of *Requeſts*, and ſteward-general of the *Marſhalſea court* of the houſhold of the ſaid lady the queen: *Gilbert Gerrard*, attorney-general of the ſaid lady the queen, *Thomas Bromley*, ſolicitor-general of the ſaid lady the queen; *Gregory Lovel*, and *Henry Trayford*, eſquires, now juſtices of the ſaid lady the queen, aſſigned to deliver that gaol of the priſoners therein being, by virtue of the letters patent aforeſaid, on *Friday*, to wit, the ſame twentieth day of *February*, in the twentieth year of the reign of *Elizabeth*, by the grace of God of *England*, *France*, and *Ireland*, queen, defender of the faith, the ſame lady the queen being then and there in her royal majeſty, and ſo forth, *George Cary*, knight, then marſhal of the houſhold aforeſaid, returned the precept aforeſaid to him directed, in manner aforeſaid, in all things ſerved and executed as followeth, in theſe words: "By virtue of this precept to me directed, I have cauſed to come before the juſtices within written, on the day, and at the place within mentioned, twenty-four good and lawful men from a certain place, from both counties of *Middleſex* and *Surry*, within the verge within mentioned, to enquire for the lady the queen, for the body of the ſaid verge, as alſo twenty-four other good and lawful men of every place from both counties aforeſaid, within the verge aforeſaid, to make a jury between the ſaid lady the queen and the priſoners within written. And, moreover, I have cauſed to come twenty-four good and lawful men of the houſhold of the lady the queen, whoſe names are enrolled in the *Exchequer* of the houſhold of the ſaid lady the queen, to enquire and preſent thoſe matters which ſhould be enjoined to them on behalf of the ſaid lady the queen; I have likewiſe cauſed to come before the juſtices within written, on the day, and at the place within contained, all priſoners being in the gaol of the *Marſhalſea* of the houſhold within written; I have likewiſe cauſed the ſaid delivery to be publickly proclaimed in all cities, boroughs, fairs, markets, and in all other publick places, as well within liberties as without, within the verge aforeſaid, that all thoſe who would proſecute againſt the ſaid priſoners ſhould be then there, to proſecute againſt them as ſhould be juſt. I have cauſed to be made known to all juſtices within written, coroners of the houſhold of the ſaid lady the queen, and other coroners within written, that they ſhould be then there, to do thoſe things which to their office belong to be done; the reſidue of the execution of this precept, appears in certain pannels to this precept annexed, *George Cary*, knight, marſhal of the houſhold of the lady the queen. Names of the jurors for the body of the verge to enquire for the lady the queen in the county of *Middleſex*: *John Oſborne*, *Robert Carre*, *Chriſtopher Gibſon*, *John Green*, *Henry Reynolds*, *John Walley*, *Thomas Ellis*, *Richard Harcourt*, *Matthew Perryn*, *John Ducke*, *John Bennet*, *Andrew Undrill*, *Edmund More*, *John Newman*, *John Johnſon*, *Henry Clarke*, *William Frend*, *Edmund Elyſet*, *Anthony Skinner*, *John Haruye*, *Richard Holland*, *Richard Auſten*, *Richard Gunnerſawe*, *John Warton*, *William Bradley*, *Richard Jeffrey*, *John Smart*, *John Dunſey*,

Dunſey, *John Goodgole*, *Richard Darlowe*, *William Marks*, *Raymund Henne*, *Richard Ferris*, *Robert Nowell*, *William Bromley*, *William Rooſer*, *John Morgan*, *Miles Kingman*, *Thomas Lylye*, *Thomas Hoode*, *Thomas Spencer*, *Thomas Hayward*, *Thomas Bond*, *Lewis Woods*, *Richard Simpſon*, and *William Banberry*. Names of the jurors for the body of the verge to enquire for the lady the queen in the county of *Surrey*, *George Fletcher*, *John Middleton*, *John Green*, *Richard Harriſon*, *Thomas Weſtray*, *Robert Fletham*, gent. *Thomas Hauſe*, *Godfrey Hayes*, *Robert Taylor*, gent. *Richard Pinfold*, *Thomas Harper*, *Richard Dowmer*, *Richard Dodſon*, *William Scrogges*, *John Emerſon*, *Richard Hatton*, *Thomas Garland*, *Thomas Burfoot*, *Nicholas Hutſon*, *John Evans*, *Robert Robinſon*, *William Edwards*, gent. *Thomas Sheppard*, *James Chibbell*, *Robert Prentice*, *Arnold Wood*, *Richard Briſtowe*, *John Watkerell*, *John Woodſtock*, *George Butler*, gent, *Peter Marſhe*, gent. *Richard Yeoman*, *Thomas Glomer*, *George Millar*, *John Ruſſell*, gent. *Edward Ruſſel*, gent. *Robert Gilles*, *Stephen Harper*, *Henry Cole*, *Richard Manfyld*, *John Baldin*, *Richard Simpſon*, *Nicholas Marſonne*. Names of the jurors to enquire for the lady the queen, within the houſhold of the ſaid lady the queen, *George Boydon*, *William Wortley*, *John Winche*, *John Powell*, *William Lingerd*, *Thomas Clarke*, *Anthony Bickerſtaffe*, *William Eaſton*, *Nicholas Birde*, *Thomas Sley*, *Thomas Alderton*, *Robert Long*, *Henry Sexton*, *Roger Floyde*, *Raymund Shereman*, *John Page*, *James Undrell*, *John Grett*, *John Cutter*, *John Meſſenger*, *Francis Cox*, *William Smith*, *William Chapman*, *Andrew Pemard*, *Robert Adkins*, *Morgan Evans*, *Raymund Walton*, *Thomas Hayes*, and *John Hewes*. Names of the jurors between the lady the queen and the priſoners in the county of *Middleſex*: *Thomas Fowler*, eſquire, *Edward Sidley*, gent. *John Hill* gent. *Robert Man*, *William Smyth*, *John Turner*, *John Newman*, *Thomas Veray*, *John Baytoſt* otherwiſe *Phillips*, *James Ewet*, *Anthony Daviet*, *Thomas Nutwood*, *Nicholas Holden*, *John Lyghterfoote*, *Richard Robſon*, *Stephen Waſſayle*, *William Hill*, *John Engliſh*, *Richard Dummyngton*, *William Megges*, *Henry Herne*, gent. *John Fiſher*, *John Andrees*, *George Smallwood*, *John Smith*, gent. *William Perry*, *William Downes*, *John Sely*, *William Evans*, *Robert Phippes*, *Anthony Wright*, *Richard Raughton*, *William Ruſh*, *John Ruſſell*, *Robert Wood*, *John Hodges*, *John Iremonger*, gent. *John Metton*, *Thomas Gittons*, *Robert Harries*, gent. *Thomas Nichols*, gent. *Thomas Dytton*, gent. *Henry Thorne*, gent. *Edmund Stokes* otherwiſe *Furner*, gent. *Thomas Henberry*, *Robert Every*, *William Aſpeley*, and *Richard Wright*. Names of the jurors between the lady the queen and the priſoners in the county of *Surry*: *Richard King*, *William Wood*, *Thomas Taylor*, *John Jackſon*, *John Allyn*, *Thomas Craſt*, *John Beſton*, *Thomas Cole*, *Thomas Pattinſon*, *John Revys*, *John Wood*, *Thomas Palmer*, *Robert Townſend*, *Henry Langame*, gent. *Thomas Rudall*, *Richard Rawlings*, *Thomas Serjeant*, *Roger Harries*, *Henry Pynden*, *Anthony Long*, *Anthony Vauſe*, *John Fletcher*, *John Sternes*, *Ambroſe Bocket*, *Lawrence Banes*, *Raymund Cade*, *John Henly*, *Thomas Hudſon*, *Raymund Larock*, *William Braſbridge*, *John Stokedon*, *William Holland*, *Henry Wodward*, *James Lylye*, *Edmund Boote*, *Henry Bower*, *James Lynche*, *John Smyth*, *Roger Steward*, *Nicholas Fenne*, *John Dyggons*, and *David Glynne*. And the ſaid *Richard Vale*, then coroner of the houſhold aforeſaid, being then and there preſent, delivered and certified before the ſame juſtices the ſaid indictment and inquiſition thereon taken and found before him as aforeſaid. And the ſaid *Thomas Holcroſt* for the cauſe aforeſaid being taken, and then and there in the gaol of the marſhal of the houſhold aforeſaid, under cuſtody of the ſaid *George Carey*, then marſhal of the houſhold aforeſaid, for the cauſe aforeſaid, brought to the bar by the ſaid marſhal before the ſame juſtices in his proper perſon, then and there alſo comes, and the ſaid *Thomas* then and there being aſked by the ſaid juſtices how he would acquit himſelf of the felony aforeſaid, ſaid that he could not deny the ſaid indictment, nor that he was guilty of the felony aforeſaid, in manner and form as he was above indicted; upon which the ſaid *Thomas Holcroſt* was then and there aſked by the ſaid juſtices if he had, or knew any thing to ſay for himſelf, why judgment ſhould not be pronounced againſt him, upon his confeſſion of the felony aforeſaid; which ſaid

Thomas

Thomas Holcroft then and there ſaid that he was a clerk, and prayed the benefit of the clergy to be allowed him in this behalf. And becauſe the juſtices aforeſaid would adviſe of and concerning the premiſes before they would allow the ſaid *Thomas Holcroft* the benefit of clergy, the ſame *Thomas Holcroft* was then and there committed back to the cuſtody of the marſhal of the houſhold of the lady the queen, to be ſafely kept until, and ſo forth, as more fully appears by the record thereof: and moreover, the ſaid *Thomas Holcroft* ſaith that no judgment is yet given of and concerning the premiſes, and this he is ready to verify, therefore he prayeth judgment, if the ſaid *Thomas Burgh* ought to have or maintain his ſaid appeal againſt him of the death aforeſaid; and moreover the ſaid *Thomas Holcroft* avers, that the ſame *Thomas Holcroft* the now appellee, and the ſaid *Thomas Holcroft* above named in the ſaid indictment, in form aforeſaid convicted, are one and the ſame perſon, and not another or different perſon; and that the ſaid *Henry Burgh*, of whoſe death he is now appealed, and the ſaid *Henry Borowe* otherwiſe *Burgh*, named in the ſaid indictment, and for whoſe death the ſaid *Thomas Holcroft* ſtands convicted in form aforeſaid, are one and the ſame perſon, and not another or different perſon, and that the ſaid wound, whereof, it is ſuppoſed in the ſaid appeal, the ſaid *Henry* to have died, and the ſaid wound whereof in the ſaid indictment it is ſuppoſed the ſaid *Henry* to have died, are one and the ſame mortal wound, and not another or different wound, and prays allowance of the premiſes: And as to the felony and murder aforeſaid, the ſaid *Thomas Holcroft* ſaith that he is not guilty thereof, and thereof for good and evil he puts himſelf upon the country, and the ſaid *Thomas Burgh* doth the like, and ſo forth.

And the ſaid *Thomas Burgh*, as to the ſaid plea of the ſaid *Thomas Holcroft*, concerning the conviction aforeſaid, in manner and form aforeſaid above pleaded, ſaith that he for any matters by the ſaid *Thomas Holcroft* above in pleading alleged, ought not to be precluded from having his ſaid appeal againſt the ſaid *Thomas Holcroft*, becauſe by proteſtation not acknowledging any ſuch record as the ſaid *Thomas Holcroft* hath above alledged, in bar of the ſaid appeal, for plea the ſaid *Thomas Burgh*, ſaith that the ſaid plea pleaded by the ſame *Thomas Holcroft*, in manner and form aforeſaid, in bar of the ſaid appeal, and the matter therein contained, are inſufficient in law; to which plea the ſame *Thomas Burgh* is under no neceſſity, nor is he in any wiſe obliged to anſwer by the law of the land; wherefore, for want of a ſufficient anſwer in this behalf, the ſame *Thomas Burgh* prays judgment and execution to be done againſt the ſaid *Thomas Holcroft*, of and concerning the premiſes. And the ſaid *Thomas Holcroft*, as to the plea of the ſame *Thomas Holcroft* of the conviction aforeſaid above pleaded, ſaith, that that plea above pleaded, in manner and form aforeſaid, and the matter therein contained, are good and ſufficient in law, to preclude the ſaid *Thomas Burgh* from having his ſaid appeal againſt the ſaid *Thomas Holcroft*, and entirely to annul that appeal; which plea, and the matter therein contained, the ſame *Thomas Holcroft* is ready to verify and prove as the court, and ſo forth; and becauſe the ſaid *Thomas Burgh* doth not anſwer to the ſaid appeal, nor doth in any manner hitherto deny it, the ſame *Thomas Holcroft* prays judgment as before; and that the ſaid *Thomas Burgh* ſhould be precluded from having his ſaid appeal againſt the ſaid *Thomas Holcroft*, and ſo forth; and becauſe the court of the lady the queen here is not adviſed of their judgment of and concerning the premiſes; a day is given to the parties aforeſaid, before the lady the queen, until eight days of St. *Hillary*, whereſoever, and ſo forth, to hear their judgment of and concerning the premiſes; for that the court of the lady the queen here is not yet, and ſo forth: And as to trying the iſſue aforeſaid, joined between the parties aforeſaid, let the proceedings thereon ſtay until the ſaid matter in judgment of the court, in form aforeſaid pleaded, be lawfully determined, and ſo forth; and whereupon cometh *Peter Dutton*, of *Dutton*, in the county of *Cheſter*, eſquire; *John Dove*, of *Ulkynton*, in the county of *Cheſter* aforeſaid, eſquire; *George Warburton*, of *Arley*, in the county of *Cheſter*, eſquire; and *Hugh Stoky*, of *Lincoln's-Inn*, gent. in their proper perſons,

and became manucaptors to have the body of the ſaid *Thomas Holcroft* before the lady the queen in the ſame term, and ſo from day to day until, and ſo forth; each of the ſaid manucaptors, body for body, and ſo forth; on which day before the lady the queen at *Weſtminſter*, comes as well the ſaid *Thomas Burgh*, who was then of full age, in his proper perſon, as the ſaid *Thomas Holcroft* in his proper perſon; and becauſe the court of the ſaid lady the queen is not adviſed of their judgment, of and upon the matter aforeſaid, in form aforeſaid pleaded, a further day is given to the ſaid parties in the ſtate they now are, before the ſaid lady the queen, from the day of *Eaſter* in fifteen days whereſoever, and ſo forth, to hear their judgment thereon; for that the court of the ſaid lady the queen is not thereof yet, and ſo forth: The ſame day is given to the ſaid *Thomas Holcroft* by bail as before, and ſo forth: And as to the trial of the iſſue aforeſaid, in form aforeſaid joined, let the proceedings thereon ſtay until the ſaid matter in law be lawfully determined, and ſo forth. On which day, before the lady the queen at *Weſtminſter*, come the parties aforeſaid in their proper perſons, and becauſe the court of the ſaid lady the queen, is not yet adviſed of their judgment of and upon the matter aforeſaid, in form aforeſaid pleaded, a day is farther given to the parties aforeſaid in the ſtate they now are, before the ſame lady the queen, until the morrow of the *Holy Trinity*, whereſoever, and ſo forth, to hear their judgment thereon, for that the court of the ſaid lady the queen is not yet, and ſo forth; the ſame day is given to the ſaid *Thomas Holcroft* by bail as above, and as to trying the iſſue aforeſaid, in form aforeſaid joined, let the proceedings thereon ſtay until the ſame matter be determined in law, by ſome lawful means, and ſo forth; on which day before the lady the queen at *Weſtminſter*, come the parties aforeſaid in their proper perſons, and becauſe the court of the ſaid lady the queen here, is not yet adviſed of their judgment, of and upon the matter aforeſaid, in form aforeſaid pleaded, a day is further given to the parties aforeſaid, in the ſtate they now are, before the ſame lady the queen, until eight days of St. *Michael*, whereſoever, and ſo forth, to hear their judgment; for that the court of the ſaid lady the queen is not yet, and ſo forth; the ſame day is given to the ſame *Thomas Holcroft* by bail as before; and as to trying the ſaid iſſue above, in form aforeſaid joined, let the proceedings thereon ſtay until the ſame matter in law be determined by ſome lawful means; on which day before the lady the queen at *Weſtminſter*, come as well the ſaid *Thomas Burgh*, as the ſaid *Thomas Holcroft* in their proper perſons, whereupon all and ſingular the premiſſes being ſeen, and by the court of the lady the queen here fully underſtood, and mature deliberation had thereon, becauſe it ſeemeth to the ſame court, that the ſaid plea of the conviction aforeſaid, by him the ſaid *Thomas Holcroft*, pleaded in bar of the ſaid appeal, and the matter therein contained, are good and ſufficient in law, to preclude him the ſaid *Thomas Burgh* from having his ſaid appeal againſt the ſame *Thomas Holcroft*, it is conſidered that the ſaid *Thomas Burgh* take nothing by his writ of appeal aforeſaid, but that he be taken for his falſe complaint, and let the ſaid *Thomas Holcroft* go thereof without day. *Mich.* 20 & 21 *Eliz. Rot.* 47, in *B. R. See* 4 *Co.* 45. *b.* in the caſe of *Wrote* and *Wiggs*.

Middleſex, } *to wit.* } *EDWARD Morgan*, late of *London*, gent. was attached by his body to anſwer *Rowland Egerton*, eſquire, the brother and heir of *John Egerton*, gentleman, together with *William Morgan*, late of *London*, gentleman, and *William Robinſon*, late of *London*, gentleman, of the death of the ſaid *John Egerton*, formerly the brother of the ſaid *Rowland*, whereof he appealeth them, and there are pledges of proſecution, to wit, *John Hanly* of *London*, yeoman, and *William Moſtyn*, of *London*, gent. and whereof the ſame *Rowland* in his proper perſon, inſtantly appealeth the ſaid *Edward Morgan*, who now appeareth; for that, whereas the ſaid *John Egerton* was, in the peace of God and the lady the now queen, at *Horneſey*, in the county of *Middleſex*, on the twenty-firſt day of *April*, in the eighth year of the reign of the lord *James*, by the grace of God of *England*, *France*, and *Ireland*, king, defender of the faith, and of *Scotland* the forty-third year, about the hour of eleven before noon of the ſame day there, to wit, at *Horneſey*

aforeſaid, in the county of *Middleſex* aforeſaid, came the ſaid *Edward Morgan*, who now appeareth, felonioufly and as a felon of the now lord the king aforeſaid, of his malice aforethought, and with a premeditated aſſault againſt the peace of the ſaid lord the now king, his crown and dignity, on the day, in the year, at the place, and in the county of *Middleſex* aforeſaid, and about the hour aforeſaid, with force and arms upon the ſaid *John Egerton* then and there, to wit, at *Horneſey* aforeſaid, in the county aforeſaid, did make an aſſault, and the ſaid *Edward Morgan*, with a certain ſword of iron and ſteel, of the value of five ſhillings, which the ſame *Edward Morgan* had and held in his right hand, then and there, to wit, on the ſaid twenty-firſt day of *April*, in the eighth and forty-third years aforeſaid, at *Horneſey* aforeſaid, in the ſaid county, feloniouſly, wilfully, and of his malice aforethought, did ſtrike and ſtab the ſaid *John Egerton* in and upon the right ſide, under the right arm of the ſame *John Egerton* then and there, to wit, at *Horneſey* aforeſaid, in the ſaid county, on the ſame twenty-firſt day of *April*, in the ſaid eighth and forty-third years, about the eleventh hour aforeſaid, giving to the ſaid *John Egerton* then and there, to wit, at *Horneſey* aforeſaid, with the ſword aforeſaid, in and upon the ſaid right ſide of the body of the ſame *John*, under the right arm of the ſame *John Egarton*, one mortal thruſt and wound of the length of two inches, and the depth of ſix inches, of which mortal thruſt and wound, the ſaid *John Egerton*, at *Horneſey* aforeſaid, in the county of *Middleſex* aforeſaid, inſtantly died, and ſo the ſaid *Edward Morgan*, on the ſaid twenty-firſt day of *April* in the ſaid year at *Horneſey* aforeſaid, in the ſaid county of *Middleſex*, the ſaid *John Egerton*, feloniouſly, wilfully, and of his malice aforethought, in manner and form aforeſaid, did kill and murder againſt the peace of the ſaid lord the now king, his crown and dignity; and the ſaid *William Morgan* and *William Robinſon*, who do not now appear, whom the ſaid *Rowland* would likewiſe appeal of the death aforeſaid, if they had been preſent, before the felony and murder aforeſaid, committed and perpetrated by the ſaid *Edward Morgan* in form aforeſaid, to wit, on the ſaid twenty-firſt day of *April*, in the years aforeſaid, about the hour aforeſaid, the ſaid *Edward Morgan* to commit and perpetrate the felony and murder aforeſaid, at *Hornſey* aforeſaid, in the county of *Middleſex* aforeſaid, feloniouſly, maliciouſly, and wilfully, and of their malice aforethought, did incite, abet, procure, counſel, and comfort againſt the peace of the ſaid lord the now king, his crown and dignity, and alſo the ſaid *William Morgan* and *William Robinſon*, knowing that the ſaid *Edward Morgan* committed and perpetrated the felony and murder aforeſaid, to wit, on the ſame twenty-firſt day of *April*, in the ſaid years at *Horneſey* aforeſaid, in the county of *Middleſex* aforeſaid, the ſaid *Edward Morgan* feloniouſly, wilfully, and of their malice aforethought, did receive, aid and comfort againſt the peace of the ſaid lord the now king, his crown and dignity. And as ſoon as the ſame felon who now appears, committed the felony and murder aforeſaid, in form aforeſaid, he fled, and the ſaid *Rowland*, after the ſaid *Edward Morgan* did make freſh ſuit from vill to vill, unto the four nearer vills, and further until, and ſo forth, and if the ſame felon, who now appears, will deny the felony and murder aforeſaid, charged to him in form aforeſaid, the ſame *Rowland* is ready to prove it againſt him as the court, and ſo forth.

And the ſaid *Edward Morgan*, in his proper perſon, comes and defends the force and injury, when, and ſo forth, the whole felony and murder, and whatever, and ſo forth, and prays oyer of the writ of appeal aforeſaid, and the return of the ſame writ, and they are read to him in theſe words, to wit, "*James* by the grace of God of *England*, *Scotland*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, to the ſheriff of the county of *Middleſex* greeting, becauſe *Rowland Egerton*, eſquire, the brother and heir of *John Egerton*, gent. has given us ſecurity to proſecute his complaint, by *John Hankey* of *London*, yeoman, and *William Moſtyn*, of *London*, gent. we therefore command you, that you attach *Edward Morgan*, late of *London*, gent. *William Morgan*, late of *London*, gent. and *William Robinſon*, late of *London*, gent. by their bodies, according to the law and cuſtom of our kingdom of *England*, ſo that

you have them before us in eight days of St. *Michael* whereſoever we ſhall then be in *England*, to anſwer the ſaid *Rowland*, of the death of the ſaid *John Egerton*, formerly his brother, whereof he appealeth them, and have there this writ, witneſs ourſelf at *Weſtminſter* the eighteenth day of *June*, in the eighth year of our reign, of *England*, *France*, and *Ireland*, and of *Scotland*, the forty-third year." Coppyn. By virtue of this writ to me directed, I have taken the body of the within named *Edward Morgan*, whoſe body I have ready before the lord the king within written, on the day within mentioned, as I am within commanded, and the within named *William Morgan*, and *William Rawlinſon*, are not found in my bailiwick. The anſwer of *Sebaſtian Harvy*, and *William Cokayne*, ſheriff. This writ, as above endorſed, I the underwritten, now ſheriff, received from the ſaid late ſheriff on his going out of his office, and afterwards the within named *William Morgan*, and *William Robinſon*, are not found in my bailiwick. The anſwer of *Richard Pyott*, and *Francis Jones*, ſheriff. Which being read and heard, the ſaid *Edward* prays judgment of the writ aforeſaid, becauſe he ſaith, that the ſaid writ is inſufficient in law, to compel the ſaid *Edward* to anſwer that writ, and this he is ready to verify; wherefore, he prays judgment of the ſaid writ, and allowance thereof, and that the ſaid writ may be quaſhed, and ſo forth; and as to the felony and murder aforeſaid, the ſame *Edward* ſaith that he is not guilty thereof, and thereof, for good and evil, putteth himſelf on the country; and the ſaid *Rowland Egerton* doth the like; and the ſaid *Rowland Egerton* ſaith, that for any matters before alledged, the ſaid writ ought not to be quaſhed, becauſe he ſaith, that the ſaid writ is good and ſufficient in law, to compel the ſaid *Edward Morgan* to anſwer the ſaid writ; which writ the ſaid *Rowland* is ready to verify, as the court, and ſo forth; wherefore, he prays judgment, and that the ſaid writ ſhould be adjudged ſufficient, and ſo forth: But, becauſe the court of the lord the king here, is not yet adviſed of giving judgment of and concerning the premiſſes, a day is given to the ſaid parties before the lord the king, until the morrow of *All-Souls*, whereſoever, and ſo forth, to hear their judgment of and upon the premiſſes; for that the court of the ſaid lord the king is not yet, and ſo forth, to wit, to the ſaid *Edward Morgan* being in cuſtody of the marſhal, and ſo forth; and whereupon come *Robert Lloyd* of *Black-Friers*, *London*, doctor of phyſick, *Robert Morgan* of *Batterſey*, in the county of *Surrey*, eſquire, *Nicholas Ruſſell* of the pariſh of *Aldermary*, *London*, merchant-taylor, and *George Onſlow* of the pariſh of St. *Bride*, in *Fleet-ſtreet*, *London*, haberdaſher, in their proper perſons, and became manucaptors to have the body of the ſaid *Edward Morgan* before the lord the king, in the ſaid term, and ſo from day to day, until, and ſo forth, to wit, each manucaptor aforeſaid, body for body; and as to trying the iſſue aforeſaid, above joined, between the parties aforeſaid, let the proceedings thereon ſtay, until the matter pleaded in judgment be lawfully determined; on which day, before the lord the king, at *Weſtminſter*, come, as well the ſaid *Rowland Egerton*, in his proper perſon, as the ſaid *Edward Morgan*, in the ſaid writ of appeal named, in his proper perſon; and whereupon, all and ſingular the premiſſes being ſeen, and by the court of the lord the king here, being fully underſtood, and mature deliberation being firſt had thereon, it is conſidered by the ſame court, that the ſaid *Rowland Egerton* ſhould take nothing by his ſaid writ of appeal aforeſaid, and that the ſaid writ of appeal may be quaſhed, and let the ſaid *Edward Morgan* go thereof without day. *Mich.* 8 *Jac.* 1. *Rot.* 227, *in B. R.*

Hertfordſhire, to wit, } *EDWARD DENNY*, late of *Stortford*, in the county of *Hertford*, knight, otherwiſe called *Edward Denny*, late of *Stortford*, in the county of *Hertford*, knight, *John Avery*, late of *Bilchanger*, in the county of *Eſſex*, gent. otherwiſe called *John Avery*, late of *Bilchanger*, in the county of *Eſſex*, gent. *Juſtinian Watſon*, late of *Stanſtead Mountfachet*, in the county of *Eſſex*, yeoman, otherwiſe called *Juſtinian Watſon*, late of *Stanſtead Mountfachet*, in the county of *Eſſex*, poulterer, and *Lawrence Byggyn*, late of *Hodſden*, in the county of *Hertford*, yeoman, otherwiſe called *Lawrence Byggins*, late of *Hodſdon*, in the county of *Hertford*, yeoman, otherwiſe called *Lawrence Byggin*, late of *Hodſdon*, in the county

of *Hertford*, yeoman, otherwiſe called *Lawrence Byggyn*, late of *Hodſdon*, in the county of *Hertford*, yeoman, otherwiſe called *Lawrence Byggyns*, late of *Hodſdon*, in the county of *Hertford*, yeoman, otherwiſe called *Lawrence Byggyn*, late of *Hodſdon*, in the county of *Hertford*, yeoman, were attached by their bodies to anſwer *Phillis*, who was the wife of *Thomas Shuckburgh*, gent. of the death of the ſaid *Thomas Shuckburgh*, formerly her huſband, whereof he appeals them, and there are pledges to proſecute, to wit, *Thomas Andrew* of *London*, gent. and *William Eleſworth* of *London*, haberdaſher, and whereof the ſame *Phillis*, by *Thomas Webb*, junior, and *John Fell*, her attornies, jointly and ſeverally, according to the form of the ſtatute, and ſo forth, inſtantly appealeth the ſaid *Edward Denny*, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*; for that, whereas, the ſaid *Thomas Shuckburgh* was in the peace of God, and the ſaid lady the queen, at *Stortford*, otherwiſe *Biſhop's Stortford*, aforeſaid in the ſaid county of *Hertford*, on the ſixth day of *May*, in the thirty-eighth year of the reign of the lady *Elizabeth*, now queen of *England*, about the hour of four, after noon of the ſame day, there, to wit, at *Stortford*, otherwiſe *Biſhop's Stortford*, aforeſaid, in the ſaid county of *Hertford*, came the ſaid *John Avery*, *Juſtinian Watſon*, *Lawrence Byggyn*, feloniouſly, and as felons of the ſaid lady, the now queen, of their malice aforethought, and with a premeditated aſſault, againſt the peace of the ſaid lady, the now queen, her crown and dignity, on the day, in the year, hour, place, and county of *Hertford* aforeſaid, and upon the ſaid *Thomas Shuckburgh*, then at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, in the ſaid county of *Hertford*, did make an aſſault; and the ſaid *Lawrence Byggyn*, with a certain ſword of iron and ſteel, called a rapier, of the value of three ſhillings and four-pence, which the ſaid *Lawrence* then, to wit, on the ſame ſixth day of *May*, at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, in the county of *Hertford*, had, and held in his right hand the ſaid *Thomas Shuckburgh*, in and upon the right knee of the ſame *Thomas Shuckburgh*, then at *Stortford*, otherwiſe *Biſhop's Stortford*, aforeſaid, feloniouſly, wilfully, and of his malice aforethought, did ſtrike and thruſt; giving unto the ſaid *Thomas Shuckburgh*, then, and there, to wit, at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, with the ſaid ſword, in and upon the right knee of the ſaid *Thomas Shuckburgh*, one mortal wound, of the depth of ſix inches, and the breadth of one inch; of which mortal wound the ſaid *Thomas Shuckburgh*, then at *Stortford*, otherwiſe *Biſhop's Stortford*, in the ſaid county of *Hertford*, inſtantly died; and the ſaid *John Avery*, and *Juſtinian Watſon*, at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, feloniouſly, and of their malice aforethought, were preſent, aiding, abetting, procuring, comforting, and maintaining the ſaid *Lawrence Byggyn*, to commit and perpetrate the felony and murder aforeſaid, in form aforeſaid, againſt the peace of the ſaid lady, the now queen, her crown and dignity; and ſo the ſaid *Lawrence Byggyn*, *John Avery*, and *Juſtinian Watſon*, the ſaid *Thomas Shuckburgh*, on the ſaid ſixth day of *May*, in the thirty-eighth year aforeſaid, at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, in the ſaid county of *Hertford*, feloniouſly, wilfully, and of their malice aforethought, did kill and murder, againſt the peace of the ſaid lady, the now queen, her crown and dignity; and the ſaid *Edward Denny*, before the felony and murder aforeſaid, in form aforeſaid, committed, to wit, on the fifth day of *May*, in the thirty-eighth year aforeſaid, at *Stortford*, otherwiſe *Biſhop's Stortford*, in the ſaid county of *Hertford*, the ſaid *Lawrence Byggyn*, *John Avery*, and *Juſtinian Watſon*, to commit and perpetrate the felony and murder aforeſaid, in manner and form aforeſaid, of his malice aforethought, maliciouſly and feloniouſly, did incite, procure, and counſel; and alſo the ſame *Edward Denny*, knowing that the ſaid *Lawrence Byggyn*, *John Avery*, and *Juſtinian Watſon*, the felony and murder aforeſaid, in form aforeſaid, did commit, the ſaid *Lawrence Byggyn*, *John Avery*, and *Juſtinian Watſon*, afterwards, to wit, on the ſaid ſixth day of *May*, in the thirty-eighth year aforeſaid, at *Stortford*, otherwiſe *Biſhop's Stortford* aforeſaid, in the ſaid county of *Hertford*, after the felony and murder aforeſaid, committed by the ſaid *Lawrence Byggyn*, *John Avery*, and *Juſtinian Watſon*, in form aforeſaid, feloniouſly did receive, conceal, lodge, and comfort, and them to fly and eſcape for the felony and murder aforeſaid, in form aforeſaid committed, did help, excite, and counſel, againſt the peace of the ſaid lady,

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the now queen, her crown and dignity; and as ſoon as the ſaid felons had committed the felony and murder aforeſaid, they fled, and the ſaid *Phillis* made freſh ſuit after them from vill to vill, unto the four nearer vills, and further, until, and ſo forth; and if the ſame felons will deny the felony and murder aforeſaid, in form aforeſaid, charged to them, the ſaid *Phillis* is ready to prove it againſt them, as the court, and ſo forth.

And the ſaid *Edward Denny*, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons, come and defend the force and injury, when, and ſo forth, all the felony and murder, and whatever, and ſo forth; and ſeverally ſay, that they are not guilty thereof, and thereof, for good and evil, ſeverally put themſelves upon the country; and the ſaid *Phillis* doth the like; therefore, let a ſeveral jury come before the lady the queen in eight days of *St. Michael*, whereſoever, and ſo forth, and who are neither, and ſo forth; to recognize, and ſo forth; becauſe as well, and ſo forth: The ſame day is given to the parties aforeſaid, to wit, to the ſaid *Edward Denny*, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in the cuſtody of the marſhal, and ſo forth; and whereupon came *Edward*, lord *Zouch*, of *Harringworth*, in the county of *Northampton*, *Thomas* lord *Gray* of *Wilton*, in the county of *Hereford*, *Edward Denny* the younger, of *Waltham Holy-Croſs*, in the county of *Eſſex*, knight, and *Francis Goodwin*, of *Oſborne*, in the county of *Buckingham*, eſquire, in their proper perſons, and became manucaptors to have the bodies of the ſaid *Edward Denny* the elder, and *Lawrence Byggyn*, before the lady the queen in the ſaid term; and ſo from day to day, until, and ſo forth, to wit, each of the manucaptors aforeſaid, for each of the ſaid *Edward Denny* the elder, and *Lawrence Byggyn*, body for body; and whereupon came alſo *Nicholas Vaveſour* of *Waltham-Abbey*, in the county of *Hertford*, gentleman, *Robert Hellam* of *Birchchanger*, in the county of *Eſſex*, yeoman, *John Fore* of *Widdington*, in the county of *Eſſex*, yeoman, and *Nicholas Fore* of the ſame place, in the ſaid county, yeoman, in their proper perſons, and became manucaptors to have the bodies of the ſaid *John Avery*, and *Juſtinian Watſon*, before the lady the queen in the ſame term; and ſo from day to day, until, and ſo forth; to wit, each of the ſaid manucaptors laſt named, for each of the ſaid *John Avery*, and *Juſtinian Watſon*, body for body, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, came as well the ſaid *Phillis* by her ſaid attornies, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons, and the ſheriff did not ſend the writs, nor any of them; therefore, as before, let a ſeparate jury come before the lady the queen, on the morrow of the *Purification* of the Bleſſed *Mary*, whereſoever, and ſo forth; and who neither, and ſo forth, to recognize in form aforeſaid, and ſo forth; the ſame day is given to the ſaid parties, to wit, to the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, by bail, as before, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, came as well the ſaid *Phillis*, by her attornies aforeſaid, as the ſaid *Edward Denny*, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and *Richard Spencer*, eſquire, ſheriff of the ſaid county, returned the ſeveral writs of the lady the queen of the *venire facias* aforeſaid, in all things ſerved and executed, together with ſeveral panels of the names of the jurors, of whom none, and ſo forth; wherefore, the ſheriff was commanded that he ſeverally diſtrain the ſaid ſeveral jurors by their lands, and ſo forth, and that of the iſſues, and ſo forth; and that he have their bodies before the lady the queen from the day of *Eaſter* in fifteen days, whereſoever, and ſo forth, to recognize in form aforeſaid, and ſo forth; the ſame day is given to the parties aforeſaid, to wit, the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, by their bail, as before, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, come as well the ſaid *Phillis*, by her attornies aforeſaid, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons, and the ſheriff did not ſend the writs, nor any of them; wherefore, as before, the ſheriff was commanded that he ſeverally diſtrain the ſeveral jurors aforeſaid, by all their lands aforeſaid, and that of the

iſſues,

iſſues, and ſo forth; and that he have their bodies before the lady the queen, on the morrow of the *Holy Trinity*, whereſoever, and ſo forth, to recognize in form aforeſaid; the ſame day is given to the parties aforeſaid; to wit, to the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, by their bail, as before, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, come as well the ſaid *Phillis*, by her attornies aforeſaid, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and the ſheriff did not ſend the writs, nor any of them; wherefore, the ſheriff was commanded, as he was ſeveral times, that he ſeverally diſtrain the ſeveral jurors aforeſaid, by all their lands, and that of the iſſues, and ſo forth; and that he have their bodies before the lady the queen, from the day of St. *Michael*, in fifteen days, whereſoever, and ſo forth, to recognize in form aforeſaid, and ſo forth; the ſame day is given to the parties aforeſaid, to wit, the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, by their bail, as before; on which day, before the ſaid lady the queen, come as well the ſaid *Phillis*, by her attornies aforeſaid, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and the ſaid ſheriff of *Hertford*, as to the ſeveral writs of *diſtringas* againſt the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, hath not ſent the writs, nor any of them; and as to the ſeveral writs of *diſtringas* againſt the ſaid *Lawrence Byggyn*, and *John Avery*, the ſheriff, to wit, *Richard Spencer*, eſquire, ſheriff of the ſaid county of *Hertford*, returned the ſaid writs in all things ſerved and executed, together with ſeparate pannels of the names of the ſeveral jurors aforeſaid, to the ſaid pannels, annexed; which jurors, between the ſaid *Phillis*, and the ſaid *Lawrence Byggyn*, being called, ſome of them come, and ſome of them do not come, as appears in the pannel thereof; and the jurors aforeſaid, between the ſaid *Phillis*, and the ſaid *John Avery*, being likewiſe called, ſome of them come, and ſome of them do not come, as appears in the pannel thereof; therefore, let the ſaid ſeveral juries further remain, to be taken on the morrow of *All-Souls*, then next following, whereſoever, and ſo forth, for default of the ſaid ſeveral juries; and the ſaid ſheriff of the county of *Hertford* was commanded, that he diſtrain the ſeveral juries by their lands, and ſo forth, and that of their iſſues, and ſo forth; and that he have their bodies before the lady the queen on the ſaid morrow of *All-Souls*, whereſoever, and ſo forth, to make a ſeveral jury aforeſaid, between the ſeveral parties aforeſaid, of the death aforeſaid: The ſame day is given to the parties aforeſaid, to wit, to the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, by their bail, as before, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, come as well the ſaid *Phillis*, by her attornies aforeſaid, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and the ſheriff of *Hertfordſhire*, as to the ſeveral writs of *diſtringas* againſt the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, did not ſend the writs, nor any of them; and as to the ſaid ſeveral writs of *diſtringas* againſt the ſaid *Lawrence Byggyn*, and *John Avery*, the ſheriff, to wit, *Richard Spencer*, eſquire, ſheriff of the county of *Hertford*, returned the ſaid writs in all things ſerved and executed, together with ſeveral pannels of the ſeveral names of the ſaid jurors to the ſeveral panels annexed; which jury, between the ſaid *Phillis*, and the ſaid *John Avery*, being called, ſome of them come, and ſome of them do not come, as appears in the panel thereof; wherefore, let that jury further remain to be taken before the lady the queen, until the day of St. *Martin*, in fifteen days, whereſoever, and ſo forth; and the juries aforeſaid, between the ſaid *Phillis*, and the ſaid *Lawrence Byggyn*, being called, come, who, to ſpeak the truth, concerning the premiſſes between the ſaid *Phillis*, and the ſaid *Lawrence Byggyn*, being elected, tried, and ſworn, ſay upon their oath, that the ſaid *Lawrence Byggyn*, is guilty of the felonious killing, and manſlaughter of the ſaid *Thomas Shuckburgh*, but not of the murder of the ſaid *Thomas Shuckburgh* of malice aforethought, as above ſpecified; and further, the ſame jurors upon their oath, ſay, that the ſaid *Lawrence Byggyn*, at the time of the manſlaughter, and killing

ing aforeſaid perpetrated, or ever afterwards, had not any goods, chattles, lands, or tenements, nor did he withdraw himſelf, and ſo forth; whereupon the ſaid *Lawrence Byggyn* is committed to the marſhal, and ſo forth; and as to the ſeveral juries aforeſaid, between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, the ſaid ſheriff of the county of *Hertford* was commanded, at ſeveral times, that he diſtrain the ſeveral jurors of the ſaid ſeveral juries, and ſo forth, and that of the iſſues, and ſo forth; and that he have their bodies before the lady the queen, from the day of St. *Martin*, in fifteen days, and ſo forth, to make the ſeveral juries aforeſaid, between the ſaid *Phillis* and the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, of the death aforeſaid, and ſo forth: The ſame day is given to the ſaid parties, to wit, the ſaid *Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, by their bail, and ſo forth; and becauſe the court of the lady the queen here, is not yet adviſed of their judgment, of and upon the ſaid verdict given againſt the ſaid *Lawrence Byggyn*, in form aforeſaid, a day is given, as well to the ſaid *Phillis*, as to the ſaid *Lawrence Byggyn*, in the ſtate they now are, before the lady the queen, until the ſaid fifteen days of St. *Martin*, whereſoever, and ſo forth; to wit, to the ſaid *Lawrence Byggyn*, in cuſtody of the marſhal, and ſo forth, to hear judgment thereon; for that the court of the lady the queen is not yet, and ſo forth: On which day, before the lady the queen at *Weſtminſter*, come, as well the ſaid *Phillis*, by her ſaid attornies, as the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, in their proper perſons, and the ſaid *Lawrence Byggyn*, in his proper perſon, in cuſtody of the marſhal; and the ſheriff of *Hertfordſhire* did not ſend the writs of *diſtringas* aforeſaid to him, in form aforeſaid directed, nor any of them; and the ſaid *Lawrence Byggyn*, being here aſked by the court of the lady the queen, if he hath, or knows any thing to ſay for himſelf, why the court of the lady the queen, here, ought not to proceed to judgment and execution of and upon the verdict aforeſaid, the ſame *Lawrence* ſaith, that he is a clerk, and prays the benefit of clergy to be allowed to him in this behalf, and ſo forth; whereupon cometh *A. B.* clerk, deputy of the biſhop of *London*, ordinary of this place, and vicegerent of the ſame biſhop, to demand and receive all clerks, of whatſoever crime impeached before the ſaid lady the queen, or detained to be impeached, by letters patent of the ſaid biſhop to him made; and a book being delivered to the ſaid *Lawrence Byggyn*, here, by the court, the ſaid *Lawrence* reads as a clerk; but becauſe the court of the lady the queen here, is not yet adviſed of their judgment of and upon the premiſſes, day thereof is given, as well to the ſaid *Phillis*, as to the ſaid *Lawrence*, to wit, to the ſaid *Lawrence* in cuſtody of the marſhal, and ſo forth, before the lady the queen, until eight days of St. *Hilary*, whereſoever, and ſo forth, to hear their judgment in that behalf; for that the court of the lady the queen is not yet, and ſo forth; and as to the ſeveral juries aforeſaid, between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, the ſheriff of *Hertford* is commanded, as more than once he hath been, that he diſtrain the ſeveral juries thereof aforeſaid, by all their lands, and ſo forth; and that of the iſſues, and ſo forth; and that he have the bodies of the ſeveral jurors of the ſaid ſeveral juries before the lady the queen, in eight days of St. *Hilary*, whereſover, and ſo forth, to make the ſaid ſeveral juries between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, of the death aforeſaid, in form aforeſaid; the ſame day is given thereof, as well to the ſaid *Phillis*, as to the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, to wit, to the ſaid *Edward*, *Juſtinian*, and *John*, by their bail, as before, and ſo forth; and whereupon, by the ſpecial grace of the court, the ſaid *Lawrence Byggyn* is delivered on bail to *Edward Denny*, the elder, of *Stortford*, in the county of *Hertford* knight, *William Dobſon* of the pariſh of St. *Andrew*, in the county of *Middleſex*, gent. *John Goldeſborough* of *Clifford's Inn*, *London*, gent. and *John Graſtie* of *Alderby*, in the county of *Cheſter*, gent. who being preſent here in court, became manucaptors to have the body of the ſaid *Lawrence Byggyn* before the lady the queen, on the ſaid octave of St. *Hilary*, whereſoever, and ſo forth; and ſo from day to day, until, and ſo forth;

each

each of the ſaid manucaptors, body for body, and ſo forth; on which day, before the lady the queen at *Weſtminſter*, comes as well the ſaid *Phillis*, by her ſaid attornies, as the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and as to the ſaid ſeveral writs of *diſtringas* againſt the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, the ſheriff hath not ſent the writs thereof, nor any of them; and as to the writ of *diſtringas* aforeſaid, between the ſaid *Phillis*, and the ſaid *John Avery*, the ſheriff, to wit, *Thomas Pope Blunt*, eſquire, ſheriff of the ſaid county, returned the ſame in all things ſerved and executed; and the jurors of the ſaid jury being called, come; and the ſaid *John*, then, and there, being ſolemnly called, did not come, but made default; therefore, let his ſaid manucaptors be taken at the ſuit of the lady the queen, and ſo forth; and the ſheriff is commanded that he take the ſaid *John Avery*, if, and ſo forth, and ſafely, and ſo forth; ſo that he have his body before the lady the queen, in eight days of the *Purification* of the Bleſſed *Mary*, whereſoever, to expect, undergo, do, and receive all and ſingular the matters which the court of the lady the queen ſhall conſider in this behalf; and as to the ſeveral juries againſt the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, the ſheriff is commanded, as more than once he hath been, that he diſtrain the ſaid ſeveral jurors of the ſaid ſeveral juries by all their lands, and ſo forth; and that of the iſſues, and ſo forth; and that he have their bodies on the ſaid octave of the *Purification* of the Bleſſed *Mary*, whereſoever, and ſo forth, to make the ſaid ſeveral juries between the ſaid ſeveral parties, of the death aforeſaid, and ſo forth: The ſame day is given, as well to the ſame *Phillis*, as to the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, by bail, as before, and ſo forth; and as to the judgment of the court, of and upon the premiſes, againſt the ſaid *Lawrence Byggyn*; for that the court of the lady the queen here, is not yet adviſed of giving their judgment thereon, a day thereof is given, as well to the ſaid *Phillis*, as to the ſaid *Lawrence Byggyn*, by his bail laſt mentioned, until the ſaid octave of the *Purification* of the Bleſſed *Mary*, to hear their judgment thereof; for that the court of the lady the queen is not yet adviſed, and ſo forth; at which octave of the *Purification* of the Bleſſed *Mary* at *Weſtminſter*, cometh as well the ſaid *Phillis*, by her ſaid attornies, as the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and as to the ſeveral writs of *diſtringas* of the ſaid juries, between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, the ſheriff hath not ſent the writs, nor any of them; and as to the writ of *capias* aforeſaid, againſt the ſaid *John Avery*, in form aforeſaid adjudged, the ſheriff likewiſe hath not ſent the ſaid writ of *capias*; whereupon the ſaid *John Avery* comes here in court, in his proper perſon, and offers to render himſelf to the priſon of the marſhal of the *Marſholſea* of the lady the queen here, to expect, undergo, do, and receive all and ſingular the matters which the court of the lady the queen here, thereof ſhall conſider in this behalf; which *John Avery* being preſent here in court, then and there, by the court of the lady the queen here, by occaſion of the premiſes, is committed to the marſhal, and ſo forth; and as to the ſeveral juries aforeſaid, between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, as the ſaid jury between the ſaid *Phillis*, and the ſaid *John Avery*, the ſheriff is commanded, as he hath been more than once, that he diſtrain the ſeveral jurors of the ſaid ſeveral juries, by all their lands, and ſo forth; and that of the iſſues, and ſo forth; and that he have the bodies of the ſeveral jurors aforeſaid, before the lady the queen, from the day of *Eaſter*, in three weeks, whereſoever, and ſo forth, to make the ſeveral juries aforeſaid, as well between the ſaid *Phillis*, and the ſaid *Edward Denny*, and *Juſtinian Watſon*, as the ſaid jury between the ſaid *Phillis*, and the ſaid *John Avery*, of the death aforeſaid: The ſame day is given, as well to the ſaid *Phillis*, as to the ſaid *Edward Denny*, the elder, *Juſtinian Watſon*, and *John Avery*, to wit, the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, by bail, as before, and the ſaid *John Avery*, in cuſtody of the marſhal, and ſo forth; and becauſe the court of the lady the queen here, is not yet adviſed of giving their judgment of and upon the premiſſes, againſt

againſt the ſaid *Lawrence Byggyn*, day thereof is given, as well to the ſaid *Phillis*, as to the ſaid *Lawrence*, until the day of *Eaſter*, in three weeks, whereſoever, and ſo forth, to hear their judgment thereof; for that the court of the lady the queen is not yet, and ſo forth; at which day, before the lady the queen at *Weſtminſter*, comes as well the ſaid *Phillis*, by her ſaid attornies, as the ſaid *Edward Denny*, the elder, *John Avery*, *Juſtinian Watſon*, and *Lawrence Byggyn*, in their proper perſons; and the ſheriff of *Hertfordſhire*, as to the ſeveral writs of *diſtringas* againſt the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, hath not ſent the writs, nor any of them; and as to the ſaid writs of *diſtringas* againſt the ſaid *John Avery*, the ſheriff, to wit, *Thomas Pope Blunt*, eſquire, the ſheriff of the ſaid county, returned the writ, in all things ſerved and executed; and the ſaid jurors being likewiſe called, came, who, to ſpeak the truth concerning the premiſſes between the ſaid *Phillis*, and the ſaid *John Avery*, being elected, tried, and ſworn, do ſay upon their oath, that the ſaid *John Avery* is not guilty of the felony and murder aforeſaid, nor any of them, nor did he fly, or withdraw himſelf for the ſame, as the ſaid *John Avery*, above in pleading, hath alledged; therefore, it is conſidered by the court of the lady the queen here, that the ſaid *John Avery*, as to the felony and murder aforeſaid, go thereof without day; and as to the ſeveral juries aforeſaid, between the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, the ſheriff is commanded, as more than once he hath been, that he diſtrain the ſaid ſeveral jurors of the ſaid ſeveral juries, by all their lands, and ſo forth; and that of the iſſues, and ſo forth; and that he have their bodies before our lady the queen, on the morrow of the *Holy Trinity*, whereſoever, and ſo forth, to make a ſeparate jury between the ſaid *Phillis*, and the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, of the death aforeſaid: The ſame day is given, as well to the ſaid *Phillis*, as to the ſaid *Edward Denny*, the elder, and *Juſtinian Watſon*, by bail, as before; and as to the judgment of the court, of and upon the premiſſes againſt the ſaid *Lawrence Byggyn*; for that the court of the lady the queen here, is not yet adviſed of giving their judgment thereon, a day thereof is given, as well to the ſaid *Phillis*, as to the ſaid *Lawrence Byggyn*, by their bail, laſt above mentioned, until the ſaid morrow of the *Holy Trinity*, to hear their judgment thereof; for that the court of our lady the queen here is not yet, and ſo forth. *Trin.* 39 *Eliz. Rot.* 872, *in B. R.*

Kent, to wit, } *DOROTHY WATTES*, widow, who was the wife of *John Wattes*, late of *Feverſham*, in the county of *Kent*, vintner, in her proper perſon, inſtantly appeals *Henry Braynes* of *Feverſham*, in the county of *Kent*, butcher, in the cuſtody of the marſhal of the *Marſhalſea* of the lady the queen, before the queen herſelf; for that, whereas the ſaid *John Wattes* was in the peace of God, and the ſaid lady, now queen, at *Feverſham* aforeſaid, in the ſaid county of *Kent*, on the twenty-firſt day of *March*, in the forty-third year of the reign of the lady *Elizabeth*, now queen of *England*, about the fourth hour after noon of the ſame day, there, to wit, at *Feverſham* aforeſaid, in the ſaid county, did come the ſaid *Henry Braynes*, felonioufly, and as a felon of the ſaid lady, now queen, of his malice aforethought, and with premeditated aſſault againſt the peace of the ſaid lady, now queen, her crown and dignity, on the day, in the year, at the hour, in the place, and county aforeſaid, and upon the ſaid *John Wattes*, then, to wit, at *Feverſham* aforeſaid, in the ſaid county, did make an aſſault; and the ſaid *Henry Braynes*, with a certain ſword of iron and ſteel, called a ſhort ſword, of the value of twelve-pence, which the ſaid *Henry Braynes* in his right hand then, and there, on the ſaid twenty-firſt day of *March*, in the forty-firſt year aforeſaid, at *Feverſham* aforeſaid, in the ſaid county, had, and held, the ſaid *John Wattes*, in and upon the calf of the leſt leg of the ſaid *John Wattes*, then and there, at *Feverſham* aforeſaid, in the ſaid county, felonioufly, wilfully, and of his malice aforethought, did ſtrike; giving the ſaid *John Wattes*, then and there, with the ſaid ſword, called a ſhort ſword, upon the ſaid calf of the leſt leg of him the ſaid *John*, one mortal wound of the length of four inches, and

the depth of two inches; of which mortal wound the ſaid *John Wattes*, then at *Feverſham* aforeſaid, in the ſaid county, inſtantly died; and ſo the ſaid *Henry Braynes*, the ſaid *John Wattes*, on the ſaid twenty-firſt day of *March*, in the ſaid forty-firſt year, at *Feverſham* aforeſaid, in the ſaid county, felonioufly, wilfully, and of his malice aforethought, did kill, and murder, againſt the peace of the ſaid lady, now queen, her crown and dignity; and as ſoon as the ſaid felon the felony and murder aforeſaid, in form aforeſaid, had committed, he fled; and the ſaid *Dorothy* made freſh purſuit after him from vill to vill, unto the four nearer vills; and farther, until, and ſo forth; and if the ſame felon will deny the felony and murder aforeſaid, the ſaid *Dorothy* is ready to prove it againſt him, as the court, and ſo forth.

And the ſaid *Henry Braynes* in his proper perſon comes, and defends the force and injury, when, and ſo forth, all the felony and murder, and whatever, and ſo forth; and ſaith, that the ſaid *Dorothy* ought not to have, or maintain the ſaid bill of appeal of the death aforeſaid, againſt him; becauſe, he ſaith, that heretofore, to wit, on the fourteenth day of *June*, in the forty-firſt year of the reign of the ſaid lady, now queen, without the court of her, the lady the queen, before her the queen, in her *Chancery*, the ſaid *Chancery* being then at *Weſtminſter*, in the county of *Middleſex*, the ſaid *Dorothy*, by the name of *Dorothy*, who was the wife of *John Wattes*, proſecuted a certain writ of appeal, of the ſaid lady the queen, of the death aforeſaid, directed to her well-beloved and faithful *Henry Brooke*, of the moſt noble order of the garter, knight; lord *Cobham*, warden of the cinque-ports, and conſtable of *Dover-caſtle*, or his lieutenant then there, againſt the ſaid *Henry Braynes*, by the name of *Henry Braynes*, late of *Feverſham*, in his bailiwick, butcher; by which writ, the ſaid lady the queen, then and there, commanded the ſaid lord warden of of the ſaid cinque-ports, that he attach the ſaid *Henry Braynes*, by his body; ſo that he ſhould have him before the ſaid lady the queen, on the octave of St. *Michael* then next following, whereſoever, and ſo forth, to anſwer the ſaid *Dorothy*, concerning the death of the ſaid *John*, formerly her huſband, whereof ſhe appealeth him; which writ followeth in theſe words: "*Elizabeth* by the grace of God, of *England*, *France*, and *Ireland*, queen, defender of the faith, and ſo forth, to her well-beloved and faithful *Henry Brooke*, knight of the moſt noble order of the garter, lord *Cobham*, warden of the cinque-ports, and conſtable of *Dover-caſtle*, or his lieutenant there, greeting, Becauſe *Dorothy*, who was the wife of *John Wattes*, hath given us ſecurity to proſecute her complaint by *Thomas Pelham* of *Norton*, in our county of *Kent*, gent. and *Richard Cadge* of *Feverſham*, in your bailiwick, gent. therefore, we command you, that you attach *Henry Braynes*, late of *Feverſham*, in your bailiwick, butcher, by his body, according to the law and cuſtom of our kingdom of *England*, ſo that you have him before us on the octave of St. *Michael*, whereſoever we ſhall then be in *England*, to anſwer the ſaid *Dorothy* concerning the death of the ſaid *John*, formerly her huſband, whereof ſhe appealeth him, and have there this writ; witneſs ourſelf at *Weſtminſter*, the fourteenth day of *June*, in the forty-firſt year of our reign. *Powle.*" By virtue of which writ, directed to the ſaid lord warden, as aforeſaid, the ſaid lord warden of the ſaid cinque-ports, afterwards, to wit, on the twentieth day of *Auguſt*, in the forty-firſt year of the reign of the ſaid lady, now queen, at *Feverſham* aforeſaid, within the liberty of the ſaid cinque-ports, the ſaid *Henry Braynes*, by his body, did attach, and on the ſaid octave of St. *Michael*, in the ſaid writ mentioned, returned to the ſaid lady the queen upon the writ aforeſaid, at *Weſtminſter* aforeſaid, that he, by virtue of that writ to him directed, did attach the ſaid *Henry Braynes* by his body, whoſe body he had ready before the lady the queen at *Weſtminſter*, at the day and place in the ſaid writ contained, as by the ſaid writ he was ordered; by virtue of which writ the ſaid *Henry Braynes*, to wit, on the fourth day of the ſaid octave of St. *Michael*, being ſolemnly called before the ſaid lady the queen here, did appear in her proper perſon, and then and there, for the cauſe aforeſaid, by the court of the ſaid lady the queen there, was committed to the marſhal of the *Marſhalſea* of the ſaid lady the queen, before the queen herſelf, to be ſafely kept

3 until,

until, and ſo forth; which writ of appeal in form aforeſaid executed and returned ſtill depends before the ſaid lady the queen at *Weſtminſter* aforeſaid, and remains filed of record; and this he is ready to verify; wherefore he prays judgment of the ſaid bill, and if he ought to anſwer the ſaid bill pending the ſaid writ of appeal in form aforeſaid; and moreover the ſaid *Henry* avers, that the ſaid *Henry Braynes* now appealed by the ſaid bill, and the ſaid *Henry Braynes*, in the ſaid writ of appeal above named, are one and the ſame perſon, and not another or different perſon; and that the ſaid *John Wattes* of whoſe death he is appealed by the ſaid bill, and the ſaid *John Wattes* in the ſaid writ of appeal named, are one and the ſame perſon, and not another or different perſon; and that the felony and murder aforeſaid in the ſaid bill mentioned, and the felony and murder aforeſaid in the ſaid bill of appeal contained, are one and the ſame, and not another or different felony and murder; and as to the felony and murder aforeſaid, the ſaid *Henry Braynes* ſaith, that he is not guilty thereof, and thereof for good and evil puts himſelf upon the country; and the ſaid *Dorothy* doth the like, and ſo forth.

And the ſaid *Dorothy* prays oyer of the writ of appeal aforeſaid, and the return of the ſame writ with all things touching them, and they are read to him in theſe words: "*Elizabeth*, by the grace of God, of *England*, *France*, and *Ireland*, queen, defender of the faith, and ſo forth, to her well-beloved and faithful *Henry Brooke*, knight of the moſt noble order of the garter, lord *Cobham*, warden of the cinque-ports, and conſtable of *Dover-caſtle*, or his lieutenant there, greeting: Becauſe *Dorothy*, who was the wife of *John Wattes*, hath given us ſecurity to proſecute her complaint, by *Thomas Pelham* of *Norton*, in our county of *Kent*, gent. and *Richard Gadge*, of *Feverſham*, in your bailiwick, gent. we therefore command you that you attach *Henry Braynes*, late of *Feverſham*, in your bailiwick, butcher, by his body according to the law and cuſtom of our kingdom of *England*; ſo that you have him before us on the octave of St. *Michael*, whereſoever we ſhall then be in *England*, to anſwer the ſaid *Dorothy* concerning the death of the ſaid *John*, formerly her huſband, whereof ſhe appealeth him, and have there this writ. Witneſs ourſelf at *Weſtminſter* the fourteenth day of *June* in the forty-firſt year of our reign. *Powle*." To the moſt ſerene lady the queen within mentioned, I do certify that by virtue of this writ to me directed, I have attached the within named *Henry Braynes* by his body, which body I have ready at the day and place within contained, as I am within commanded. The anſwer of *Henry* lord *Cobham*, conſtable of *Dover-caſtle*, and warden of the *Cinque-ports*. All which being read and heard, the ſaid *Dorothy*, as to the plea of the ſaid *Henry Braynes*, pleaded in abatement of the bill of appeal of the ſaid *Dorothy*, in form aforeſaid, ſaith that her ſaid bill, for the reaſon aforeſaid, ought not to be quaſhed, becauſe by proteſtation, not acknowledging any matters above in pleading, alledged by the ſaid *Henry* to be true, for plea the ſaid *Dorothy* ſaith, that the ſaid plea by the ſaid *Henry Braynes* above pleaded, to quaſh the ſaid bill and the matter therein contained, are inſufficient in law to quaſh the ſaid bill of appeal of the ſaid *Dorothy*, or to preclude the ſaid *Dorothy* from having her bill of appeal againſt the ſaid *Henry Braynes*; to which plea, in manner and form aforeſaid pleaded, the ſaid *Dorothy* hath no neceſſity, nor is ſhe obliged by the law of the land in any wiſe to anſwer; wherefore for want of a ſufficient plea to quaſh her ſaid bill of appeal by the ſaid *Henry* pleaded, the ſaid *Dorothy* prays judgment of that plea, and that her ſaid bill may be adjudged good, and ſo forth. And the ſaid *Henry Braynes* ſaith, that the ſaid plea by him *Henry*, to quaſh the ſaid bill above in manner and form aforeſaid pleaded, and the matter therein contained, are good and ſufficient in law to quaſh the ſaid bill of appeal of the ſaid *Dorothy*; which plea and the matter therein contained, the ſame *Henry* is ready to verify, which matter the ſaid *Dorothy* doth not deny, nor does ſhe in any wiſe anſwer thereto; but utterly refuſes to admit the ſaid verification; wherefore the ſame *Henry* prays judgment of the ſaid bill of appeal, and that the ſaid bill be quaſhed: but becauſe the court of the lady the queen here is not yet adviſed of giving judgment of and upon the ſaid plea in form aforeſaid pleaded, to quaſh the ſaid bill, a day thereof is

given, as well to the ſaid *Dorothy*, as to the ſaid *Henry* in cuſtody of the marſhal, and ſo forth, before the lady the queen at *Weſtminſter*, until *Wedneſday* next after the octave of St. *Hilary*, to hear their judgment thereof; for that the court of the lady the queen here is not thereof yet, and ſo forth; and as to the trial of the iſſue aforeſaid, in form aforeſaid, joined between the ſaid parties, the ſame *Dorothy* ſaith, that the ſaid iſſue ought to be tried by men of the neighbourhood of *Feverſham* aforeſaid, which is within the cinque-ports, where the writ of the lady the queen doth not run, and prays the writ of the lady the queen directed to the ſaid ſheriff of the county of *Kent*, that he cauſe to come before the lady the queen, twelve, and ſo forth, to try the ſaid iſſue, from the neighbourhood of *Oſprindge*, which is the nearer vill in the ſaid county of *Kent*, without the ſaid cinque-ports, next to the ſaid vill of *Feverſham*, and ſo forth; and becauſe the ſaid *Henry Braynes* doth not deny this, therefore the ſaid ſheriff of the county of *Kent* is commanded that he cauſe to come before the lady the queen at *Weſtminſter*, on the ſaid *Wedneſday* next after the octave of St. *Hilary*, twelve good, and ſo forth, from the neighbourhood of *Oſprindge* aforeſaid; each of whom, and ſo forth, by whom, and ſo forth, and who have neither, and ſo forth, to recognize, and ſo forth, becauſe as well, and ſo forth. The ſame day is given to the ſaid parties there, to wit, to the ſaid *Henry Braynes* in cuſtody of the marſhal, and ſo forth. And whereupon came *William Chadburne* of *Feverſham* aforeſaid, ſell-monger; *Nicholas Loryman*, of *Challock*, in the ſaid county, yeoman; *George Maye*, of *Feverſham* aforeſaid, tanner; and *Edward Morfield*, of the ſame place, butcher, in their proper perſons, and became manucaptors to have the body of the ſaid *Henry Braynes*, before the lady the queen at *Weſtminſter*, on the ſaid *Wedneſday* next after the octave of St. *Hilary*, and ſo from day to day until, and ſo forth, each of the ſaid manucaptors, body for body; on which day before the lady the queen at *Weſtminſter*, cometh as well the ſaid *Dorothy*, as the ſaid *Henry Braynes*, in their proper perſons, and the ſheriff hath not ſent the writ; and becauſe the court of the lady the queen here is not yet adviſed of giving their judgment of and upon the ſaid plea, in form aforeſaid pleaded, to quaſh the ſaid bill, a day thereof is given, as well to the ſaid *Dorothy*, as to the ſaid *Henry*, to wit, to the ſame *Henry* by his bail, as before, and ſo forth, before the lady the queen at *Weſtminſter*, until *Wedneſday* next after fifteen days of *Eaſter* to hear their judgment thereof; for that the court of the lady the queen is not thereof yet, and ſo forth. And as to the ſaid iſſue joined between the ſaid parties in form aforeſaid, the ſaid ſheriff of the county of *Kent* is commanded, that he cauſe to come before the lady the queen, at *Weſtminſter*, on the ſaid *Wedneſday* next after fifteen days of *Eaſter*, twelve good, and ſo forth, from the neighbourhood of *Oſprindge* aforeſaid, each of whom, and ſo forth, by whom, and ſo forth; and who neither, and ſo forth; to recognize, and ſo forth; becauſe as well, and ſo forth. The ſame day is given to the ſaid parties there, to wit, to the ſaid *Henry Braynes*, by his bail as before, and ſo forth. On which day, before the lady the queen at *Weſtminſter*, comes as well the ſaid *Dorothy*, as the ſaid *Henry Braynes* in their proper perſons, and the ſheriff hath not ſent the writ; whereupon as well the ſaid plea, in form aforeſaid, above pleaded, to quaſh the ſaid bill, as all and ſingular the premiſſes being ſeen, and by the court of the lady the queen here more fully underſtood, and mature deliberation had thereon; for that it ſeemeth to the court of the lady the queen here, that the ſaid plea, in form aforeſaid pleaded, and the matter therein contained, are inſufficient in law to quaſh the ſaid bill of appeal of the ſaid *Dorothy*, or to preclude the ſaid *Dorothy* from having her ſaid bill of appeal againſt the ſaid *Henry Braynes*, it is conſidered, that the bill of appeal of the ſaid *Dorothy* be adjudged good; and for a good and ſufficient bill of appeal in this behalf may ſtand, and remain; the ſaid plea in form aforeſaid pleaded, to quaſh the ſaid bill, and the matter therein contained, notwithſtanding. And as to trying the ſaid iſſue, in form aforeſaid joined, the ſheriff is commanded, as oftentimes he hath been, that he cauſe to come before the lady the queen at *Weſtminſter*, on *Friday* next after the morrow of the *Holy Trinity*, twelve good, and ſo forth, from the neighbourhood

of

of *Osprindge* aforesaid; each of whom, and so forth; by whom, and so forth; and who neither, and so forth; to recognize, and so forth; because, as well, and so forth. The same day is given to the said parties there, to wit, the said *Henry Braynes*, by bail, as before, and so forth. Afterwards the process between the said parties concerning the said appeal was continued, and respited before the lady the queen at *Westminster*, until *Monday* next after the octave of St. *Michael*, from thence next following, for default of jurors, and so forth. On which *Monday* next after the octave of St. *Michael*, before the lady the queen at *Westminster*, comes as well the said *Dorothy*, in her proper person, as the said *Henry Braynes*, in his proper person; and the jurors of the said jury being called, likewise come; who being elected, tried, and sworn to speak the truth of and concerning the premisses, upon their oath say, that the said *Henry Braynes* is guilty of the felony and murder aforesaid, on him above charged, as the said *Dorothy* hath above thereof appealed him; and further, the jurors aforesaid, say upon their said oath, that the said *Henry Braynes* hath no lands, or tenements, goods or chattles, nor had he at the said time of the felony and murder aforesaid, in form aforesaid committed, nor ever afterwards, to their knowledge; whereupon the said *Henry Braynes* is committed to the marshal, and so forth: And whereupon, the said *Dorothy* prays judgment to be given against the said *Henry Braynes*, of and upon the premisses; but because the court of the lady the queen here, is not advised of giving their judgment of and concerning the premisses, a day thereof is given to the said parties, to wit, the said *Henry*, in custody of the marshal, and so forth, before the lady the queen at *Westminster*, until *Friday* next after the octave of St. *Hilary*, to hear their judgment thereof. On which day, before the lady the queen at *Westminster*, cometh, as well the said *Dorothy*, in her proper person, as the said *Henry Braynes*, brought to the bar here, in his proper person, in custody of the marshal; whereupon, all and singular the premisses being seen, and by the court of the lady the queen here more fully understood, and mature deliberation, and diligent examination being had thereon, on the petition of the said *Dorothy*, it is considered, that the said *Henry Braynes* be hanged, and so forth. *Mich.* 41 & 42 *Eliz. Rot.* 284, *in B. R.*

Apples and Pears.

Warrant to levy the forfeiture, on conviction for selling apples contrary to the statute, 1 Ann. c. 15. See vol. 1, p. 56.

Staffordshire, to wit, } *To the constable of in the said county.*

WHEREAS hath been duly convicted before me one of his majesty's justices of the peace for the said county, for selling apples at on the day of last, in a measure not round, nor eighteen inches and an half diameter within the hoop, nor eight inches deep, neither were the said apples heaped in the measure by which they were sold, so that he hath forfeited the sum of ten shillings. These are therefore in his majesty's name, to command you forthwith to levy the said ten shillings on the goods and chattels of the said by distress and sale thereof, rendering to him the overplus; and that you pay a moiety of the said ten shillings to who first informed me of the said sale, and the other moiety to the churchwardens and overseers of the poor of the said parish of where the said offence was committed, for the use of the poor thereof. And herein fail not. Given under my hand and seal, this day of

Apprentices.

Mittimus for a perſon refuſing to be bound apprentice to huſbandry; on ſtat. 5 El. c. 4, ſect. 25, 35. See vol. 1, p. 58, 60.

Staffordſhire. } *To the conſtable of and to the keeper of*

WHEREAS being above the age of ten years, and under the age of eighteen years, is brought before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, for refuſing to be bound an apprentice to of huſbandman, he being required by the ſaid to be his apprentice: Theſe are therefore in his majeſty's name to command you to apprehend the ſaid and convey him to the houſe of correction aforeſaid; and I do hereby command you, the ſaid keeper of the ſaid houſe of correction, to keep the ſaid in the ſaid houſe of correction, until he ſhall be contented, and will be bounden to ſerve him the ſaid as an apprentice ſhould ſerve. Given under my hand and ſeal, this day of

Warrant againſt the maſter for miſuſing his apprentice; on 5 El. c. 4, ſect. 35. See vol. 1, p. 60.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been duly made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, by apprentice to of in the ſaid county, that the ſaid hath miſuſed and evil treated him the ſaid by cruel puniſhment, and beating him the ſaid without juſt cauſe, and by not allowing him ſufficient meat, drink, apparel, or hath immoderately corrected him without any juſt cauſe: [*or, as the caſe ſhall be*] Theſe are therefore in his majeſty's name, to command you to cauſe the ſaid perſonally to appear before me at in the ſaid county, on the day of at the hour of in the noon of the ſame day, to anſwer unto the ſaid complaint; and alſo to cauſe the ſaid apprentice to appear before me at the ſame time and place, to make good his ſaid complaint. Given under my hand and ſeal, the day of

Warrant againſt the apprentice, on complaint of the maſter; on the 5 Eliz. c. 4, ſect. 35. See vol. 1, p. 60.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been duly made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, by of in the ſaid county, that now being an apprentice to him the ſaid is negligent, ſtubborn, diſorderly, and doth very much miſbehave himſelf towards, and doth not his duty to him the ſaid his maſter: Theſe are therefore to command you to bring the ſaid apprentice before me, or ſome other juſtice of the peace for the ſaid county, and to give notice to the ſaid maſter that he appear before me at the ſame time, that ſuch order may be taken in the premiſſes as equity ſhall require, and to juſtice ſhall appertain. Given under my hand and ſeal, the day of

Order of diſcharge by four juſtices at the ſeſſions; on the 5 El. c. 4, ſect. 35. See vol. 1, p. 60.

Staffordſhire. } AT a general quarter-ſeſſions of the peace holden at in and for the county aforeſaid, the day of in the year of the reign of our ſoverign lord *George* the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth; before juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, and one of which juſtices is of the quorum, it is ordered as followeth:

Upon the petition of apprentice to of in the ſaid county, to be relieved upon certain neglects of the ſaid maſter in inſtructing him in his trade, and in miſuſing and evil treating the ſaid apprentice by cruel puniſhment; [*or, as the caſe ſhall be*] and the ſaid maſter having likewiſe appeared upon his recognizance taken before eſquire, one of his majeſty's juſtices, &c. [*or* one of the ſaid juſtices, *as the caſe ſhall be*] to anſwer to the complaint of the ſaid petition, and having proved nothing whereby to clear himſelf of the ſaid complaint; but on the contrary, the ſaid having given full proof of the truth of the ſaid complaint to the ſatisfaction of the ſaid court: We therefore whoſe hands and ſeals are hereunto ſet, being four of the ſaid juſtices, one whereof is of the quorum, do hereby order, pronounce, and declare, that the ſaid apprentice ſhall be, and is hereby diſcharged, and freed from his ſaid apprenticeſhip; and this to be a final order betwixt the ſaid maſter and apprentice; any thing contained in their indentures of apprenticeſhip, or otherwiſe, to the contrary notwithſtanding. Given under our hands and ſeals, the day and year firſt above written.

Warrant againſt an apprentice for departing from his maſter; on 5 El. c. 4, ſect. 47. See vol. 1, p. 63.

Staffordſhire. } *To the conſtable*, &c.

WHEREAS complaint hath been made unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by of in the ſaid county, that his apprentice hath unlawfully departed or fled from his ſaid maſter: Theſe are therefore in his majeſty's name to command you, to apprehend the ſaid as ſoon as he can be found within your limits, and to bring him before me, or ſome other juſtice of peace for this county, to anſwer the premiſſes. Given under my hand and ſeal, &c.

Indenture of a pariſh apprentice; on 43 El. c. 2, ſect. 5. See vol. 1, p. 89.

THIS indenture, made the day of in the year of the reign of our ſovereign lord *George* the third, by the grace of God, &c. and in the year of our Lord between and churchwardens, and and overſeers of the poor of the pariſh of in the county of of the one part, and of in the ſaid pariſh, of the other part, witneſſeth, that the ſaid churchwardens and overſeers of the poor, by and with the aſſent of two of his majeſty's juſtices of the peace for the ſaid county, dwelling near to [*or* in] the ſaid pariſh of one whereof is of the quorum, have by theſe preſents put, placed, and bound a poor boy, whoſe parents and are not able to maintain him, of the age of years, to be an apprentice with him the ſaid and as an apprentice with him the ſaid to dwell, from the date of theſe preſents, until the ſaid ſhall come to the age of twenty-four years, [*or, if a female, until the ſaid ſhall come to the age of* twenty-one years, or the time of her marriage, which ſhall firſt

firſt happen] according to the ſtatute in that caſe made and provided. By and during all which time and term, the ſaid ſhall the ſaid his ſaid maſter, well and faithfully ſerve, in all ſuch lawful buſineſs as the ſaid ſhall be put unto by the command of his ſaid maſter, according to the power, wit, and ability of him the ſaid and honeſtly and obediently in all things ſhall behave himſelf towards his ſaid maſter; and the ſaid for his part, for himſelf, his executors and adminiſtrators, doth hereby promiſe and covenant to and with the ſaid churchwardens and overſeers of the poor, for them and their ſucceſſors, and for the ſaid that he, the ſaid ſhall the ſaid in the craft, miſtery, and occupation of a which he the ſaid now uſeth, after the beſt manner that he can, or may, teach, inſtruct, and inform, or cauſe to be taught, inſtructed, and informed, as much as thereunto belongeth, or in any wiſe appertaineth; and that the ſaid ſhall alſo, during all the ſaid term, find, provide, and allow unto the ſaid apprentice, ſufficient and wholeſome meat, drink, apparel, waſhing, lodging, and all other things needful or meet for an apprentice, in ſuch manner that the ſaid apprentice ſhall not at any time, during the ſaid term, be in any wiſe a charge to the ſaid pariſh, or the pariſhioners thereof. In witneſs whereof, the ſaid parties have hereunto ſet their hands and ſeals, the day and year firſt above written.

The aſſent of two juſtices.

WE whoſe names are here under-written, two of his majeſty's juſtices of the peace for the above mentioned county of dwelling in [*or* near to] the above mentioned pariſh of and one of us of the quorum, do hereby declare our aſſent to the binding the above named an apprentice to the above named according to the form and effect of the above written indenture. Given under our hands, the day of

Warrant to levy ten pounds for not receiving a poor apprentice; on the ſtatute of 8 *and* 9 Will. 3, c. 30, ſect. 5. See vol. 1, p. 94.

Staffordſhire. } *To the conſtable of*

WHEREAS and churchwardens, and and overſeers of the poor of the pariſh of in the ſaid county, by the aſſent of two of his majeſty's juſtices of the peace for the ſaid county, dwelling near to [*or* in] the ſaid pariſh of one whereof is of the quorum, did endeavour to bind a poor male child of the ſaid pariſh, whoſe parents are not able to maintain him, apprentice to of in the ſaid pariſh, and for that intent did prepare and duly perfect one pair of indentures, purſuant to the ſtatute in that caſe made and provided; which ſaid pair of indentures were ſigned and confirmed by the ſaid two juſtices; and whereas it hath been duly proved before us, upon the oath of the ſaid that the ſaid hath refuſed, and doth refuſe, to receive and provide for the ſaid as an apprentice, and alſo to execute another part of the ſaid indentures, being duly tendered to him by the ſaid churchwardens and overſeers of the poor, whereby the ſaid hath forfeited the ſum of ten pounds: Theſe are therefore in his majeſty's name, to require and command you, to make diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you made, the ſaid ſum of ten pounds, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, pay the ſaid ſum of ten pounds to the overſeers of the poor of the ſaid pariſh of where the ſaid offence was committed, for the uſe of the poor of the ſaid pariſh; returning the overplus upon demand unto him the ſaid the reaſonable charges of taking, keeping, and ſelling

ſelling the ſaid diſtreſs being thereout firſt deducted. Provided always, that if the ſaid ſhall think himſelf aggrieved with this our adjudication, award, and warrant, and ſhall appeal therefrom to the next general or quarter-ſeſſions of the peace for the ſaid county, that then you ſuſpend and forbear the ſale of ſuch diſtreſs till further order ſhall be made in the premiſſes upon the appeal of the ſaid to the ſaid ſeſſions of the peace. Given under our hands and ſeals, the day of

Complaint of an apprentice to two juſtices, againſt his maſter; on 20 Geo. 2, c. 19, ſect. 3. See vol. 1, p. 104.

Staffordſhire. } THE information and complaint of apprentice to of in the ſaid county, taken and made [on oath, *if he is above fourteen years of age*] before us, two of his majeſty's juſtices of the peace in and for the ſaid county, the day of in the year who ſaith, that he the ſaid about ago, laſt paſt, became bound an apprentice by indenture to of aforeſaid, and that, at ſeveral times ſince he entered upon the ſaid apprenticeſhip, the ſaid hath miſuſed and ill-treated him the ſaid apprentice, and particularly [*as the caſe ſhall be*]

Taken and ſigned the day and year above written, before us, ——— his mark.

Summons of the maſter by two juſtices, on the complaint of the apprentice; on the 20 Geo. 2, c. 19, ſect. 3. See vol. 1, p. 104.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made unto us two of his majeſty's juſtices of the peace in and for the ſaid county, by apprentice to of in the ſaid county, that he the ſaid hath miſuſed and ill-treated him the ſaid and particularly [*as the caſe ſhall be*]: Theſe are therefore to require you to ſummon the ſaid to appear before us at in the ſaid county, on the day of to anſwer unto the ſaid complaint; and alſo that you give notice unto him, to bring with him the indenture of apprenticeſhip between him and his ſaid apprentice; and alſo that you bring before us at the ſame time and place the ſaid to make good the ſaid complaint; and alſo that you bring with you this precept, and certify unto us then and there what you ſhall have done in the execution thereof. Given under our hands and ſeals the day of

Diſcharge of an apprentice by two juſtices on the maſter's miſuſing him; on 20 Geo. 2, c. 19, ſect 3. See vol. 1, p. 104.

WHEREAS complaint hath been made before us two of his majeſty's juſtices of the peace in and for the ſaid county by apprentice to of in the ſaid county, taylor, that he the ſaid hath miſuſed and ill-treated him the ſaid apprentice [and particularly, *as the caſe ſhall be*;] and whereas the ſaid hath appeared before us, in purſuance of our ſummons to that purpoſe, but hath not cleared himſelf of and from the ſaid accuſation and complaint, but on the contrary the ſaid hath made full proof of the truth thereof, before us, upon oath; we therefore, by theſe preſents, do diſcharge him the ſaid of and from his apprenticeſhip to the ſaid any thing in the indenture of apprenticeſhip made betwixt them, or otherwiſe however, to the contrary notwithſtanding. Given under our hands and ſeals the day of

Or, And whereas it hath been duly proved before us, upon the oath of constable of aforesaid; that he the said did duly summon the said to appear before us at a seasonable time, in the said summons mentioned and specified; but, notwithstanding the same, he the said hath not appeared before us, according to such summons: We therefore, having duly examined into the matter of the said complaint, and the truth thereof having been fully proved before us upon oath, do discharge, *&c. as above.*

Complaint to two justices of the master against his apprentice; on the 20 Geo. 2, c. 19, sect. 4. See vol. 1, p. 105.

Staffordshire. THE complaint and information of of in the said county, husbandman, taken on oath before us two of his majesty's justices of the peace in and for the said county, the day of

This informant saith that having been bound to him an apprentice by indenture bearing date the day of and having entered upon his apprenticeship accordingly, he hath been refractory and disobedient to him the said [and particularly, *as the case shall be*].

Taken the day and year above written, before us,

Warrant for a disorderly apprentice by two justices; on the 20 Geo. 2, c. 19, sect. 4. See vol. 1, p. 105.

Staffordshire } *To the constable of*

WHEREAS oath hath been made before us two of his majesty's justices of the peace in and for the said county, by of in the said county, husbandman, that apprentice to the said hath committed divers misdemeanors against the said his master, and hath likewise run away from his said master; these are therefore to require you forthwith to apprehend the said and bring him before us to answer unto the said complaint, and to be dealt with according to law: And you are to give notice to the said that he appear before us at the same time to make good the said complaint. Given under our hands and seals.

Commitment of an apprentice to the house of correction, on complaint of his master, by two justices, on the 20 Geo. 2, c. 19, sect. 4, See vol. 1, p. 105.

Staffordshire } *To the constable of in the said county, and to the keeper of the house of correction at in the said county.*

WHEREAS complaint hath been made before us two of his majesty's justices of the peace in and for the said county, upon the oath of of in the said county, that apprentice of the said hath committed divers misdemeanors against him the said his master: And whereas upon examination thereof, and upon hearing the allegations of both parties, who came before us for that purpose, and upon due consideration had thereof, we have adjudged, and do hereby adjudge the said complaint to be true: We do therefore hereby command you the said constable, to take and convey the said to the said house of correction, and to deliver him to the said keeper thereof, together with this warrant: And we do hereby command you the said keeper of the said house of correction to receive the said into your custody in the said house of correction, there to remain and be corrected, and held to hard labour for the space of Given under our hands and seals the day of

Discharge

Diſcharge of an apprentice by two juſtices, on complaint of the maſter, on 20 Geo. 2, c. 19, ſect. 4. See vol. 1, p. 105.

WHEREAS complaint, &c. (*as in the laſt precedent.*) We do therefore, by theſe preſents, diſcharge the ſaid from his apprenticeſhip to the ſaid any thing in any indenture or indentures of apprenticeſhip betwixt them, or otherwiſe, to the contrary notwithſtanding. Given

An aſſignment of an indenture of apprenticeſhip.

THIS indenture made, &c. between of of the one part, and of of the other part. Whereas ſon of late of by his indenture of apprenticeſhip, bearing date, &c. became the apprentice of the ſaid for the term of ſeven years, commencing from the date thereof, as by the ſaid indenture, relation, &c. Now this indenture witneſſeth, that the ſaid for divers good cauſes and conſiderations him hereunto moving, and by and with the deſire and conſent of the ſaid the apprentice, (teſtified by his ſigning and ſealing theſe preſents), hath aſſigned, transferred, and turned over, and by, &c. doth, &c. unto the ſaid the ſaid the apprentice, and the ſaid indenture of apprenticeſhip, and all the right, title, intereſt, term, ſervice, benefit, claim, and demand whatſoever, of him the ſaid of, in, or unto the ſaid apprentice, by force and virtue of the ſaid recited indenture, or otherwiſe however; to have and to hold the ſaid apprentice, and the ſaid indenture of apprenticeſhip, right, title, intereſt, benefit, and ſervice, hereby aſſigned unto the ſaid his executors, adminiſtrators, and aſſigns, from henceforth, for and during all the reſidue and remainder now to come and unexpired of the ſaid apprenticeſhip, or term of ſeven years aforeſaid; and that in as ample and beneficial manner and form, to all intents and purpoſes whatſoever, as he the ſaid might, could, or ought to have held and kept the ſaid apprentice by force and virtue of the ſaid recited indenture, or otherwiſe howſoever; (under and ſubject nevertheleſs to the covenants and agreements therein on the part of the ſaid to be done and performed); and the ſaid doth for himſelf, his executors and adminiſtrators, covenant, promiſe and agree to and with the ſaid his executors and adminiſtrators, by theſe preſents, that he the ſaid his executors and adminiſtrators, ſhall and will well and truly obſerve, perform, fulfil, and keep the covenants and agreements in the ſaid recited indenture of apprenticeſhip, on the part and behalf of the ſaid to be done and performed.

It may be made ſhort, thus:

TO all, &c. Whereas by his indenture, &c. hath put his ſon, an apprentice to me the ſaid to learn, &c. as in, &c. know ye, that I the ſaid have, &c. to have and to hold, &c. now to come, he finding to the ſaid apprentice, meat, &c. and all other neceſſaries during the ſaid term, and teaching and inſtructing him in the art aforeſaid, as I am obliged and bound according to the tenor of the ſaid indenture. In witneſs, &c.

And this indemnity of the aſſignor may be added,

AND of and from the ſaid recited indentures of apprenticeſhip, and all covenants, matters, and things therein by the ſaid to be done and performed; and all actions, ſuits, coſts, charges, payments, troubles, and damages by reaſon thereof, at all times hereafter ſhall and will indemnify and ſave harmleſs him the ſaid his, &c. and his and their goods and eſtate.

Another.

TO all, &c. I of ſend greeting. Whereas my apprentice has certain years yet to come and unexpired of his apprenticeſhip, to wit, whole years from laſt paſt, as by his indenture of apprenticeſhip, bearing date, &c. doth appear: Now know ye, that I the ſaid for divers good, &c. me hereunto moving, have given, granted, aſſigned and ſet over, and by, &c. do fully, freely, and abſolutely give, &c. unto of his, &c. all right, title, duty, term of years to come, ſervice and demand whatſoever, which I the ſaid have in or to the ſaid or which I may or ought to have in him by force and virtue of the ſaid indenture of apprenticeſhip: And moreover, I the ſaid do, by theſe preſents, covenant, promiſe, and agree, to and with the ſaid his, &c. that notwithſtanding any thing by me the ſaid to be done to the contrary, the ſaid ſhall, during the ſaid term of years, well and truly ſerve the ſaid as his maſter, and his commandments lawfully and honeſtly do, and from his ſervice ſhall not abſent himſelf day nor night, during the term aforeſaid, provided that the ſaid ſhall well intreat and uſe the ſaid finding him meat, drink, &c. and all other neceſſaries during the ſaid term. In witneſs, &c.

Another, wherein the maſter not only aſſigns the apprenticeſhip, but the apprentice binds himſelf to the aſſignee, and covenants to ſerve him faithfully, &c. and the maſter covenants to find meat, &c. and to inſtruct the apprentice, and when out of his time to pay him a ſum to buy him neceſſaries, with a proviſo to make the aſſignment void, in caſe of his abſenting himſelf from his maſter's buſineſs.

THIS indenture made, &c. between citizen and of London, and (the now apprentice of the ſaid) of the one part, and of, &c. of the other part. Whereas the ſaid by his indenture of apprenticeſhip, bearing date, &c. hath thereby put and bound himſelf as an apprentice to ſerve the ſaid for the term of ſeven years from the date thereof, in ſuch manner as therein is mentioned, as by the ſaid indenture more fully may appear: And whereas for the conſiderations herein after mentioned, it is hereby mutually agreed between all the parties hereto, that the ſaid from henceforth ſhall be intitled to and have all benefit and profit of the future ſervice of the ſaid during the now reſidue of his ſaid apprenticeſhip: Now theſe preſents witneſs, that in purſuance of the ſaid agreement, and to the intent that the ſaid may be further improved in the art or trade of a and alſo for and in conſideration of the ſum of , &c. to the ſaid in hand paid by the ſaid at or before the executing hereof, and for other good conſiderations, he the ſaid (by and with the free conſent of the ſaid teſtified by his executing hereof), hath and by theſe preſents (as much as in him lieth) doth give, aſſign, transfer, and ſet over unto the ſaid all and all manner of benefit, profit, and advantage whatſoever, which from henceforth can, ſhall or may be had or obtained, or made by virtue of any future ſervice of the ſaid during all the now reſidue of his ſaid ſeven years apprenticeſhip, and alſo all the right, intereſt, property, benefit, claim and demand whatſoever of him the ſaid of, in or to any ſuch future ſervice of the ſaid by virtue of the ſaid recited indenture, together with all benefit and advantage whatſoever, or otherwiſe howſoever: And theſe preſents further witneſs, that for the conſiderations before, and herein after mentioned, he the ſaid (by and with the direction and conſent of the ſaid teſtified alſo by his executing hereof), doth hereby bind himſelf truly to ſerve the ſaid for the now reſidue of the ſaid ſeven years; and doth hereby covenant with the ſaid that the ſaid ſhall and will from henceforth to the utmoſt of his power, well, faithfully, diligently, and honeſtly

honeſtly ſerve him the ſaid during all the now reſidue of his ſaid ſeven years apprenticeſhip, and that in every reſpect as an honeſt apprentice ought to do and perform: And theſe preſents further witneſs, and the ſaid in conſideration of ſuch ſervice as aforeſaid to be by him the ſaid done and performed, doth hereby covenant to and with the ſaid in manner as follows: viz. That he the ſaid during all the now reſidue of the ſaid term, ſhall find and provide the ſaid with meat, drink, waſhing, and lodging; and alſo uſe his utmoſt endeavours to teach and further inſtruct the ſaid in the ſaid art or trade of a And further, that he the ſaid ſhall and will well and truly pay or cauſe to be paid unto the ſaid the full ſum of 6*l.* 6*s.* within one month next after the end of his ſaid apprenticeſhip, which will expire on the, &c. to buy him clothes and what other neceſſaries he ſhall think fit. Provided always, and it is hereby expreſsly agreed between all the parties hereto, that in caſe he the ſaid ſhall not ſerve out the reſidue of his ſaid apprenticeſhip with the ſaid in manner as aforeſaid, according to the true intent and meaning of theſe preſents, or that if he the ſaid ſhall at any time abſent himſelf from the ſervice of the ſaid for the ſpace of two days, (without the conſent of the ſaid) then in any ſuch caſe theſe preſents and every covenant, matter, and thing herein before contained, ſhall be abſolutely null and void; any thing herein contained to the contrary notwithſtanding. And laſtly, for the true performance, &c. (*Penalty.*) In witneſs, &c.

Aſſault.

Warrant for an aſſault. See vol. 1, p. 138.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, that of did, on the day of violently aſſault and beat him the ſaid at in the county aforeſaid: Theſe are therefore in his majeſty's name, to command you forthwith to apprehend the ſaid and to bring him before me, to anſwer unto the ſaid complaint, and to be further dealt withal, according to law. Given under my hand and ſeal, the day of

Indictment for an aſſault.

THE jurors for our lord the king, upon their oath, preſent, That of in the ſaid county, on the day of in the year of the reign of our ſovereign lord *George* the third, &c. at aforeſaid, in the county aforeſaid, in and upon then and there, being in the peace of God, and of our ſaid lord the king, with force and arms, an aſſault did make, and him the ſaid then and there did beat, wound, and evil intreat; and then, and there, to him other enormous things did, to the great damage and hurt of him the ſaid and to the evil example of all others, offending in the like kind, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment

Indictment for an aſſault with an intent to raviſh.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford* on the day of in the year, *&c.* with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon ſpinſter, in the peace of God, and our ſaid lord the king, then and there being, did make an aſſault, and her the ſaid then and there, did beat, wound, and ill treat, ſo that of her life it was greatly deſpaired, with an intent her the ſaid againſt her will, then and there, felonioufly to raviſh, and carnally know, and other wrongs to the ſaid then, and there did, to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity. *Another count for a common aſſault, as before.*

Indictment againſt two perſons for aſſaulting a woman, with an intent that one of them ſhould raviſh her.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of, *&c.* (*day and year*) with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon one the wife of in the peace of God, and our ſaid lord the king, then and there being, did make an aſſault, and her the ſaid then and there did beat, wound and ill treat, ſo that her life was greatly deſpaired of, with an intent that he the ſaid ſhould then and there, felonioufly, and againſt the will of the ſaid raviſh, and carnally know her the ſaid and they, the ſaid and other wrongs to the ſaid then and there did, to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity. And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid and on the ſaid day of in the year aforeſaid, with force, arms, *&c. for a common aſſault.*

Indictment for aſſaulting a woman with quick child, ſo that the child was brought forth dead.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county, on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon one the wife of in the peace of God, and our ſaid lord the king, and alſo, then and there, being big with a quick child, did make an aſſault, and her the ſaid then and there, did beat, wound, and ill-treat, ſo that her life was greatly deſpaired of; by reaſon whereof, ſhe the ſaid afterward, to wit, on the twenty-ninth day of the ſame month of *April*, in the year aforeſaid, at the pariſh of aforeſaid, did bring forth the ſaid child dead; and the ſaid other wrongs to the ſaid did, to the great damage of the ſaid and his wife, and againſt the peace, *&c.* and the jurors, *&c.* (*Another count for a common aſſault, as before.*)

Indictment for an aſſault on a boy, with an intent to commit ſodomy.

Staffordſhire. } THE jurors for our lord the king, upon their oath preſent, That late of the pariſh of in the ſaid county of not having the fear of God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the day of in the year of the reign of our ſovereign lord *George*

George the third, king of *Great Britain*, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon one an infant, of the age of years, in the peace of God, and our ſaid lord the king, then and there being, did make an aſſault, and him the ſaid then and there did beat, wound and ill-treat, ſo that his life was greatly deſpaired of, with an intent that moſt horrid, deteſtable, and ſodomitical crime (among Chriſtians not to be named) called buggery, with the ſaid againſt the order of Nature, then and there, felonioufly, wickedly, and deviliſhly to commit and do, to the great diſpleaſure of Almighty God, to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors, &c. *(Conclude with a count for a common aſſault).*

Indictment for an aſſault, with a drawn ſword, with an intent to murder.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That late of, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, with a certain drawn ſword, which he the ſaid in his right hand, then and there had, and held, in and upon one in the peace of God, and our ſaid lord the king, then and there being, did make an aſſault, with an intent him the ſaid then, and there, felonioufly, wilfully, and of his malice aforethought, to kill and murder, and other wrongs to the ſaid then and there did, to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity. *(Lay another count for a common aſſault).*

Indictment for felonioufly aſſaulting a privy-counſellor in the execution of his Office; on the ſtat. 9 Ann. c. 16. See vol. 1, p. 139.

Middleſex. THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county, eſquire, not regarding the laws and ſtatutes of this realm, nor the pains and penalties therein contained, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, in and upon the right honourable one of the privy-counſellors of our ſaid lord the king, and in the due execution of his ſaid office in council, then and there being, felonioufly did make an aſſault, and him the ſaid did, then and there, felonioufly ſtrike and wound, againſt the form of the ſtatute in ſuch caſe made and provided, in contempt of our ſaid lord the king, and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for felonioufly and maliciouſly aſſaulting a perſon on the highway, and ſpoiling, cutting, and defacing his garments and clothes, on the ſtat. 6 Geo. 1, c. 23. See vol. 1, p. 141.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county, and late of the ſame, labourer, and late of the ſame, weaver, being perſons of wicked and malicious minds, after the day of in the year of our Lord to wit, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. with force and arms, at the pariſh of in the county aforeſaid, in a public ſtreet and highway there, called in and upon ſpinſter, in the peace of God and our ſaid lord the king, in the ſaid public ſtreet and highway, then and there being, wilfully, maliciouſly, and felonioufly did make an aſſault, with an intent to tear, ſpoil, cut, and deface the garments and clothes of her the ſaid

and with force and arms, did, in the ſaid public ſtreet and highway, then and there, wilfully, maliciouſly, and felonioufly tear, ſpoil, cut, and deface one printed linen gown, of the value of of the goods and chattels of the ſaid being part of the garments and clothes of her the ſaid on her perſon, then and there in wear, againſt the form of the ſtatute in that caſe made and provided, to the great damage of her the ſaid in contempt of our ſaid lord the king, and his laws, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for a felonious aſſault with intent to rob; on the ſtat. 7 Geo. 2, c. 21. See vol. 2, p. 141.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford*, labourer, being a wicked and ill diſpoſed perſon, after the day of in the year of our Lord to wit, on the of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. at the pariſh aforeſaid, in the county aforeſaid, with force and arms, to wit, with a certain piſtol, which he the ſaid in his right hand, then and there had and held, in and upon one in the peace of God and our ſaid lord the king, then and there being, unlawfully, maliciouſly, and felonioufly did make an aſſault, with a felonious intent, the monies of the ſaid from the perſon, and againſt the will of him the ſaid then and there, felonioufly to ſteal, take, and carry away, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Award.

Form of a ſubmiſſion to arbitration, to be made a rule of court. See vol. 1, p. 168, 191.

WHEREAS divers diſputes and controverſies have ariſen, and are now depending between of in the county of . of the one part, and of in the ſaid county, of the other part, touching and concerning Now, for the ending and deciding thereof, it is hereby mutually agreed by and between the ſaid parties, that all matters in difference between them for, touching and concerning all and every the matters and things herein before particularly mentioned, ſhall be referred and ſubmitted to the arbitrament, final end, and determination of in the ſaid county, of in the ſaid county, and of in the ſaid county, or any two of them, arbitrators indifferently elected by the ſaid parties; ſo as the ſaid arbitrators, or any two of them, do make and publiſh their award in writing ready to be delivered to the ſaid parties, or ſuch of them as ſhall deſire the ſame, on or before the day of next enſuing the date hereof. And it is hereby mutually agreed by and between the ſaid parties, that this ſubmiſſion ſhall be made a rule of his majeſty's court of at *Weſtminſter*. In witneſs whereof the ſaid parties to theſe preſents have hereunto ſet their hands this day of in the year of the reign of our ſovereign lord *George* the third, &c.

An

An arbitration bond.

KNOW all men by theſe preſents, that I of in the county of am held, and firmly bound unto of in the ſaid county of in pounds of good and lawful money of *Great Britain*, to be paid to the ſaid or to his certain attorney, his executors, adminiſtrators, or aſſigns. To which payment, well and truly to be made, I bind myſelf, my heirs, executors, and adminiſtrators, firmly by thoſe preſents, ſealed with my ſeal, and dated the day of in the year of the reign of our ſovereign lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth; and in the year of our Lord

The condition of the above obligation is ſuch, that, if the above bound his heirs, executors, and adminiſtrators, and every of them, for and on his and their parts and behalfs, do, and ſhall well and truly ſtand to, obey, abide, perform, obſerve and keep the award, order, arbitrament, final end and determination of of and of arbitrators indifferently named, elected, and choſen, as well for, and on the part and behalf of the above bound as of the above named to arbitrate, award, order, adjudge, and determine of, and concerning all and all manner of action and actions, cauſe and cauſes of action and actions, ſuits, bills, bonds, ſpecialties, judgments, executions, extents, accounts, debts, dues, ſum and ſums of money, quarrels, controverſies, treſpaſſes, damages and demands whatſoever, both in law or equity, or otherwiſe howſoever, which at any time or times heretofore have been had, made, moved, brought, commenced, ſued, proſecuted, committed, omitted, done or ſuffered, by or between the ſaid parties, ſo as the ſaid award be made in writing, and ready to be delivered to the ſaid parties, on or before the day of now next enſuing, then this obligation to be void, otherwiſe of force.

If the parties have a mind to make their ſubmiſſion a rule of court, this may be added at the end of the condition.

And the above bound doth agree and deſire that this his ſubmiſſion be made a rule of his majeſty's court of at *Weſtminſter*, purſuant to the act of parliament in ſuch caſe made and provided.

Condition to ſtand to the award of three arbitrators, or any two of them, and an umpire to be appointed.

THE condition of this obligation is ſuch, that if the above bound his heirs, executors and adminiſtrators, for and on his part and their parts and behalfs, ſhall and do well and truly ſtand to, obey, abide, obſerve, perform, fulfil, and keep the award, order, arbitrament, final end, and determination of or any two of them, arbitrators indifferently elected and named, as well by and on the part and behalf of the ſaid as by and on the part and behalf of the above named to arbitrate, award, order, judge, and determine, of and concerning all and all manner of action and actions, cauſe and cauſes of action and actions, ſuits, bills, bonds, ſpecialties, covenants, contracts, promiſes, accounts, reckonings, ſums of money, judgments, executions, extents, quarrels, controverſies, treſpaſſes, damages, and demands whatſoever, at any time heretofore had, made, moved, brought, commenced, ſued, proſecuted, done, ſuffered, committed, or depending by or between the ſaid parties; ſo as the award of the ſaid arbitrators, or any two of them, be made and ſet down in writing, under their, or two of their hands and ſeals, ready to be delivered to the ſaid parties in difference, on or before the day of now next enſuing: then this obligation to be void, otherwiſe of force.

And if the ſaid arbitrators ſhall not make ſuch their award of and concerning the premiſſes, within the time limited as aforeſaid, then, if the ſaid his heirs, executors, and adminiſtrators, for and on his, their part and behalf, do and ſhall well

and truly ſtand to, obſerve, perform, fulfil, and keep the award, determination, and umpirage of *(if the umpire be named)* being a perſon indifferently named and choſen between the ſaid parties, for umpire; *(but if not named)* of ſuch perſons as the ſaid arbitrators ſhall indifferently chooſe for umpire in and concerning the premiſſes; ſo as the ſaid umpire do make and ſet down his award and umpirage in writing, under his hand and ſeal, ready to be delivered to the ſaid parties in difference; on or before the day of , now next enſuing: then this obligation to be void, otherwiſe of force.

And the above bound doth agree and deſire, that this his ſubmiſſion be made a rule of his majeſty's court of , at *Weſtminſter*, purſuant to the act of parliament in ſuch caſe made.

Form of an award.

TO all people to whom theſe preſents ſhall come, we , of , and , of , do ſend greeting. Whereas there are ſeveral accounts depending, and divers controverſies have ariſen between , of , of the one part; and , of , of the other part: And whereas, for putting an end to the ſaid differences, they, the ſaid , and , by their ſeveral bonds or obligations, bearing date , laſt paſt, are reciprocally become bound to each other, in the penal ſum of , to ſtand to, abide, perform, and keep the award, order, and final determination of us the ſaid , ſo as the ſaid award be made in writing, and ready to be delivered to the parties in difference, on or before next enſuing, as by the ſaid obligations and conditions thereof may appear. Now know ye, that we, the ſaid arbitrators, whoſe names are hereunto ſubſcribed, and ſeals affixed, taking upon us the burthen of the ſaid award, and having fully examined and duly conſidered the proofs and allegations of both the ſaid parties, do make and publiſh this our award between the ſaid parties in manner following; that is to ſay, firſt, we do award and order, that all actions, ſuits, quarrels, and controverſies whatſoever, had, moved, ariſen, and depending between the ſaid parties in law or equity, for any manner of cauſe whatſoever touching the ſaid premiſſes, to the day of the date hereof, ſhall ceaſe and be no farther proſecuted; and that each of the ſaid parties ſhall pay and bear his own coſts and charges in any wiſe relating to, or concerning the premiſſes. And we do alſo award and order that the ſaid ſhall deliver, or cauſe to be delivered, to the ſaid within the ſpace of , *&c.* And further, we do hereby award and order, that the ſaid ſhall, on or before , pay, or cauſe to be paid, unto the ſaid , the ſum of , *&c.* And laſtly, we do award and order, that the ſaid , and , on payment of the ſaid ſum of , ſhall, in due form of law, execute each to the other of them, or to the other's uſe, general releaſes, ſufficient in the law for the releaſing by each to the other of them, his heirs, executors, and adminiſtrators, of all actions, ſuits, arreſts, quarrels, controverſies, and demands whatſoever, touching or concerning the premiſſes aforeſaid, or any matter or thing thereto relating, from the beginning of the world, until day of , laſt paſt. [*The day of the date of the arbitration bonds.*] In witneſs whereof, we have hereunto ſet our hands and ſeals the day of

Form of an Umpirage.

[*Recite the arbitration bonds as before.*]

NOW know ye, that I , umpire, indifferently choſen by , having deliberately heard, underſtood the complaints, and allegations, and proofs of both the ſaid parties, and willing, as much as in me lieth, to ſet the ſaid parties at unity and good accord, do by theſe preſents arbitrate, award, order, decree, and judge as followeth; that is to ſay, &c. &c.

Badgers.

Licence of a badger on the 5 *and* 6 Ed. 6, c. 14, *and* 5 El. c. 12. See vol. 1, pag. 191, 196.

Staffordſhire. } AT the general quarter-ſeſſions of the peace held at in and for the ſaid county, this day of in the year of We *A. B. C. D.* and *E. F.* eſquires, juſtices of the peace for the ſaid county (one of whom is of the quorum) have licenſed, and by theſe preſents do licenſe and admit *B. B.* of in the ſaid county, being upwards of thirty years of age, and being alſo a married man, [*or a widower*] and an houſholder, and having been an inhabitant in the ſaid county for three years now laſt paſt, to be a badger, lader, kidder, carrier, and buyer, of corn and grain [*butter and cheeſe, or as the caſe ſhall be*] for the ſpace of one whole year from the date hereof, to buy corn and grain [*butter and cheeſe*] in open fair or market, and without foreſtalling; and to ſell or deliver the ſame again in open fair or market, or to any victualling or other perſon for the proviſion of his houſe, within one month after he ſhall have ſo bought the ſame; ſo as he practiſe the ſaid buſineſs according to the true intent and meaning of the ſtatute made againſt regrators, foreſtallers, and ingroſſers, and not otherwiſe. Given under our hands and ſeals the day and year aforeſaid.

If it is for carrying coaſtwiſe, then it may run thus:

—— —— to be tranſporter of corn and grain, for the ſpace of one whole year from the date hereof, to buy corn and grain, otherwiſe than by foreſtalling; and to tranſport and carry the ſame by water from any port or place within the kingdom of *England* and *Wales*, unto any other port or place within the ſame; ſo as he do without fraud or covin, ſhip or embark the ſaid corn or grain within forty days next after he ſhall have bought the ſame, or taken covenant or promiſe for the buying thereof; and with ſuch expedition and diligence as wind and weather will permit, do carry and tranſport the ſame to ſuch port or place as his cocket ſhall declare; and there to diſbark, unlade, and ſell the ſame; and do bring a true certificate thereof from a juſtice of the peace of the county, or the mayor or bailiff of the town corporate where the ſame ſhall be unladen, and alſo of the cuſtomer of the port where ſuch unlading ſhall be, of the place and day where the ſaid corn or grain ſhall be diſbarked, unladen and ſold, to be directed to the cuſtomer and comptroller of the port where the ſame were embarked; and ſo as he practiſe the ſaid buſineſs according to the true intent and meaning of the ſtatute made againſt regrators, foreſtallers, and ingroſſers, and not otherwiſe. Given, *&c.*

Licence of a drover, on the ſaid ſtatutes.

—— to be a common drover of cattle, to buy cattle in any ſuch ſhires or counties where drovers have been wont accuſtomably to buy cattle, at his free liberty and pleaſure, ſo as the ſame be not bought by way of foreſtalling; and to ſell the ſame again in common fairs and markets, diſtant from the place where he ſhall buy the ſame reſpectively forty miles at the leaſt; ſo as he practiſe the ſaid buſineſs according to the true intent and meaning of the ſtatute made againſt regrators, foreſtallers, and ingroſſers. Given, *&c.*

Condition of the recognizance.

WHEREAS the above bound *A. D.* is this day licenſed by us to be a common drover of cattle [badger, lader, kidder, carrier, buyer, tranſporter, of corn and grain, butter and cheeſe, *or as the caſe is*] for the ſpace of one whole year now next enſuing; The condition of this recognizance is ſuch, that if the above bound *A. B.* ſhall not by colour of his ſaid licence foreſtal or ingroſs, or otherwiſe practiſe or do any act or thing contrary to the tenor and true meaning, or in defrauding of the ſtatute made againſt regrators, foreſtallers, and ingroſſers, or of any matter or thing therein contained, then this recognizance to be void; otherwiſe of force.

Badger's licence in the five northern counties: to wit, Weſtmoreland, Cumberland, Lancaſter, Cheſter, *and* York, *on the* Stat. 5 *and* 6 Ed. 6, c. 14, *for to theſe counties the* Stat. 5 Eliz. c. 12, *doth not extend; and therefore they muſt be licenſed, under the* 5 *and* 6 Ed. 6, c. 14, *which is general and revived, and made perpetual, by* Stat. 13 Eliz. c. 25. See vol. 1, pag. 199.

Cumberland. } WE, three of his majeſty's juſtices of the peace for the ſaid county, do hereby licence and allow *A. B.* of in the ſaid county, to be a badger, lader, kidder, carrier, and buyer of corn and grain [*butter and cheeſe, or as the caſe ſhall be*] for the ſpace of one whole year from the date hereof, to buy corn and grain [*butter and cheeſe*] in open fair or market, and without foreſtalling; and to ſell or deliver the ſame again in open fair or market, or to any victualler or other perſon for the proviſion of his houſe, within one month after he ſhall have ſo bought the ſame; ſo as he practiſe the ſaid buſineſs according to the true intent and meaning of the ſtatute made againſt regrators, foreſtallers, and ingroſſers, and not otherwiſe. Given under our hands and ſeals, the day of in the year

Drover's licence in the five northern counties, to wit, Weſtmoreland, Cumberland, Lancaſter, Cheſter, *and* York, *on the* 5 *and* 6 Ed. 6, c. 14, *for to theſe counties the ſtatute of* 5 Eliz. c. 12, *doth not extend; and therefore they muſt be licenſed under* Stat. 5 *and* 6 Ed. 6, c. 14, *which is general, revived and made perpetual, by* Stat. 13 Eliz. c. 25. See vol. 1, p. 199.

Cumberland. } WE, three of his majeſty's juſtices of the peace for the ſaid county, (one whereof is of the quorum) do hereby licence and allow *A. D.* of in the ſaid county, to be a common drover of cattle, to buy cattle in any ſuch ſhires and counties [*and ſo on, as in the drover's licenſe above.*] Given under our hands and ſeals the day of in the year

And for theſe northern counties no recognizance is required; but they are otherwiſe puniſhable, if they exceed their licence, by the ſaid ſtatute of 5 and 6 Ed. 6, c. 14.

A ſpecial licence to buy corn out of fairs or markets, may be the ſame as the badger's general licence above; only inſtead of theſe words [*to buy corn and grain, in open fair or market*] may be inſerted theſe words [*to buy corn and grain in and alſo out of open fair or market*] with ſuch other words of reſtriction or limitation of ſuch licence, as ſhall be judged requiſite.

Bail,

Bail.

Form of bail.

Staffordſhire. } BE it remembered, that on the day of , in the year of the reign of of yeoman, came before us eſquire, and eſquire; two of his majeſty's juſtices of the peace in and for the ſaid county, (one of whom is of the quorum) and ſeverally acknowledged themſelves to owe to our lord the king, that is to ſay, the ſaid twenty pounds, and the ſaid and ten pounds each, to be reſpectively levied of their lands and tenements, goods and chattels, if the ſaid ſhall make default in the performance of the condition indorſed [*or underwritten*]

. ——————— .
. ——————— .

The condition of this recognizance is ſuch, that if the within [*or* above] bound ſhall perſonally appear before the juſtices of our ſovereign lord the king, aſſigned to keep the peace within the ſaid county, and likewiſe to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, at the next general quarter-ſeſſions of the peace [*or* before his majeſty's gaol-delivery, at the next general gaol-delivery] to be holden in and for the ſaid county, then and there to anſwer to our ſaid ſovereign lord the king, for and concerning the felonious taking and ſtealing of the property of of yeoman, with the ſuſpicion whereof the ſaid ſtands charged before the ſaid juſtices, and to do and receive, what ſhall by the court be then and there injoined him, and ſhall not depart the court without licence, then the above [within] written recognizance ſhall be void.

Or if the party is in priſon and ſo abſent, lord Hale *ſays this is the true form, from* Lambard. See 2 Hale's Pleas of the Crown, 126.

Staffordſhire. } BE it remembered, that on the day of before us eſquire, and eſquire, two of the juſtices of our ſaid lord the king, aſſigned to keep the peace within the ſaid county, and one of us of the quorum, at in the ſaid county, did come, and of in the ſaid county, yeoman, and took in bail until the next gaol delivery, to be holden in the ſaid county, one of labourer, taken and detained in priſon for ſuſpicion of a certain felony in ſtealing the property of and took upon themſelves each of the ſaid and under the penalty of twenty pounds, of good and lawful money of *Great-Britain*, of the goods and chattels, lands and tenements of them, and each of them, to the uſe of our ſaid lord the king, his heirs and ſucceſſors, to be levied, if the ſaid ſhall not perſonally appear at the ſaid next gaol-delivery, before the juſtices of our ſaid lord the king, aſſigned to deliver the ſaid gaol, to ſtand to right concerning the felony aforeſaid, according to the law and cuſtom of *England*. Given under our ſeals, *&c.*

Taken and acknowledged the day and year above written, before us the aboveſaid

——————— .
——————— .

Staffordſhire.

Staffordſhire. —— eſquire, and eſquire, two of the juſtices of and one of us of the quorum, to the keeper of his majeſty's gaol at in the ſaid county, greeting: Whereas labourer, hath before us found ſufficient ſureties to appear before the juſtices of gaol-delivery, at the next general gaol-delivery to be holden in the ſaid county, to anſwer to ſuch things as ſhall be then on the behalf of our ſaid ſovereign lord objected againſt him; and namely, to the felonious taking of (for the ſuſpicion whereof he was taken, and committed to your ſaid gaol) we command you on the behalf of our ſaid ſovereign lord, that, if the ſaid do remain in your ſaid gaol for the ſaid cauſe, and for none other, that you forbear to detain him any longer, but that you deliver him thence, and ſuffer him to go at large, and that upon the pain that will thereon enſue. Given under our ſeals at in the ſaid county, the day of in the year

Indictment for feloniouſly perſonating another perſon, and becoming bail in his name, before a commiſſioner appointed to take bail in the country. See Stat. 24 Jac. 1, c. 26, *and* 4 Will. & Mar. c. 4, *in* vol. 1, pag. 228, 229.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great-Britain*, our ſaid lord the king, by his writ of *capias*, iſſued out of the court of our ſaid lord the king of common-bench at *Weſtminſter*, bearing date the ſame day and year, directed to the ſheriff of *Staffordſhire*, did command the ſaid ſheriff, that he ſhould take late of yeoman, and if they ſhould be found in his bailiwick, and ſafely keep them, ſo that he might have their bodies before the juſtices of our ſaid lord the king at *Weſtminſter*, in three weeks from the day of , to anſwer to of a plea, that he render to him pounds, which he owed to and unjuſtly detained from him, which ſame writ afterwards, and before the return of the ſame, to wit, on the ſaid day of , in the year aforeſaid, did make a certain warrant of him the ſaid ſheriff, under his ſeal, directed to and his bailiffs of the hundred of in the county aforeſaid, by which he commanded them jointly and ſeverally, that they ſhould take the ſaid in the writ above-named, to anſwer the ſaid of a plea, that he render to him pounds, which he owed to and unjuſtly detained as aforeſaid; and that the ſaid in the warrant aforeſaid named, afterward, and before the return of the ſaid writ, to wit, on the day of , in the year aforeſaid, by virtue of the writ and warrant aforeſaid, (*at the place*) in the county aforeſaid, did take and arreſt the ſaid in the ſaid writ and warrants above-named, according to the command of the writ and warrant aforeſaid, and him the ſaid then and there had in his cuſtody, by virtue of the ſaid writ and warrant. And that late of in the county aforeſaid, yeoman, being a malicious and ill-deſigning perſon, and wickedly contriving and intending to prejudice, and bring one to great expences, and unlawfully to ſubject him, the ſaid to the payment of a great ſum of money afterwards, to wit, on the ſaid day of in the year aforeſaid, at in the county aforeſaid, in his own proper perſon, came before gent. and then and there, with force and arms, feloniouſly did repreſent and perſonate the perſon of the ſaid of in the county aforeſaid, yeoman, and in the name and by the addition of him the ſaid did become bail for the ſaid in a certain recognizance taken before the ſaid in the action aforeſaid (he the ſaid then and there having full and lawful power and authority, by virtue of a commiſſion under the ſeal of the ſaid court of *Common-Bench*, to take a recognizance in that behalf, in the ſaid county of *Norfolk*, according to the form of the ſtatute in ſuch caſe made and provided) by which ſaid recognizance, he the ſaid (by feloniouſly repreſenting and perſonating the perſons of the ſaid) in the name and by the addition of him the ſaid as aforeſaid, before the ſaid then and there unlawfully

unlawfully and feloniouſly did acknowledge to owe to the ſaid the ſum of pounds, to be levied upon the goods and chattels, lands and tenements, of him the ſaid , upon condition, that if the ſaid ſhould be condemned in the ſaid action, he, the ſaid ſhould pay the condemnation money, or render himſelf into the *Fleet* for the ſame; or, if he failed ſo to do, he the ſaid (meaning the ſaid of in the county of aforeſaid, yeoman, ſo repreſented and perſonated by the ſaid as aforeſaid) did undertake to do it for him (meaning the ſaid) whereby he the ſaid ſo repreſented and perſonated as aforeſaid, was liable to the payment of the ſaid ſum of pounds, to be recovered in the ſame action, as if he had really himſelf acknowledged and entered into the ſaid recognizance, againſt the form of the ſtatute in ſuch caſe made and provided, to the evil example of all others in the like caſe offending, to the great damage of the ſaid and againſt the peace of our lord the king, his crown and dignity.

Bankrupt.

Warrant to apprehend a bankrupt; *on* Stat. 5 Geo. 2, c, 30. See vol. 1, pag. 267.

Staffordſhire. } *To*

WHEREAS a certificate under the hands and ſeals of hath this day been produced before me one of his majeſty's juſtices of the peace for the ſaid county, ſetting forth that a commiſſion of bankruptcy is iſſued againſt and that the ſaid is proved before them the ſaid being the major part of the commiſſioners authorized in the ſaid commiſſion, to be a bankrupt; and whereas application hath been made to me by , by order of the ſaid commiſſioners, for the apprehending the ſaid Theſe are therefore to will and command you, on ſight hereof, to take and apprehend the ſaid and bring him before me or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be proceeded againſt according to law. Given under my hand and ſeal this day of

Commitment on ſaid warrant.

Staffordſhire. } *To the keeper of the common gaol at in the ſaid county.*

THESE are in his majeſty's name to charge and command you, that you receive into your ſaid gaol, the body of who is duly certified to me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to be a bankrupt, and that you keep him in the ſaid gaol until he ſhall be diſcharged according to law. Given under my hand and ſeal this

Indictment againſt a bankrupt for concealing his effects. See vol. 1, p. 266.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford*, on the day of in the year of the reign of and for the ſpace of one whole year and

and more then laſt paſt, at the pariſh aforeſaid, in the county aforeſaid, did uſe and exerciſe the trade of merchandize by way of bargaining, exchange, bartering, and cheviſance; and during the whole time aforeſaid did there ſeek his trade of living by buying and ſelling; and the ſaid ſo as aforeſaid uſing and exerciſing the trade of merchandize, by way of bargaining, exchange, bartering and cheviſance, and ſeeking his trade of living by buying and ſelling, on the ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, became indebted to of the city of in the county aforeſaid, in the ſum of pounds and upwards, of lawful money of *Great Britain*, for a juſt and true debt; and being ſo indebted, and ſo as aforeſaid uſing and exerciſing the trade of merchandize, he the ſaid afterwards, to wit, on the ſame day, and in the year above mentioned, at the pariſh aforeſaid, in the county aforeſaid, became a bankrupt within the true intent and meaning of the ſeveral ſtatutes made, and then in force, concerning bankrupts, ſome or one of them; that is to ſay, by withdrawing himſelf, &c. and afterward, to wit, on the day of in the ſaid year of the reign of upon a petition exhibited by the ſaid unto the right honourable baron of in the county of bearing date the ſame day and year, a certain commiſſion of the ſaid king, upon the ſtatute made and provided concerning bankrupts, was duly awarded and iſſued in the court of *Chancery* of the ſaid king, under the great ſeal of *Great Britain*, againſt the ſaid the bankrupt aforeſaid by the name and addition of of, &c. bearing date at *Weſtminſter* the ſame day and year laſt mentioned, by which ſaid commiſſion, the ſaid lord the king did name, aſſign, appoint, conſtitute, and ordain eſquires, and gentlemen, his majeſty's ſpecial commiſſioners; thereby giving full power unto them four, or three of them, to proceed according to the ſame ſtatutes in the ſame commiſſion mentioned, and all other ſtatutes in force concerning bankrupts; not only concerning the ſaid bankrupt, his body, lands, tenements, freehold, and cuſtomary goods, debts, and other things whatſoever, but alſo concerning all other perſons who by concealment, claim, or otherwiſe, did or ſhould offend touching the premiſſes in the ſaid commiſſion ſpecified, or any part thereof, contrary to the true intent and meaning of the ſaid ſtatutes, and to do and execute all and every thing and things whatſoever; as well for and towards ſatisfaction and payment of his ſaid creditors, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſame ſtatutes as by the ſaid commiſſion among other things therein contained doth more fully appear; and afterwards, to wit, on the day of in the year aforeſaid, in the county aforeſaid, the ſaid was by the ſaid three of the aforeſaid commiſſioners in the ſame commiſſion named (having firſt ſeverally duly taken the oath of a commiſſioner of bankrupt in that behalf, before they or either of them acted in the execution of any of the powers or authorities mentioned or expreſſed in the ſaid commiſſion, according to the form of the ſtatute in ſuch caſe lately made and provided) in due form of law declared and adjudged a bankrupt; and the jurors aforeſaid upon their oath aforeſaid, do further preſent, that the ſaid being ſo as aforeſaid a bankrupt, and being ſo declared and adjudged a bankrupt, and being then ſo indebted to the ſaid as aforeſaid, and alſo to and divers others, whoſe names are yet unknown to the ſaid jurors, in divers large ſums of money, notice in writing was on the day of in the year aforeſaid, delivered to the ſaid at the then uſual place of abode of the ſaid and notice was likewiſe given in the *London Gazette* of the day of in the year aforeſaid, that ſuch commiſſion as aforeſaid was iſſued againſt the ſaid and that he the ſaid was declared a bankrupt; and that he was required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the day of and on the day of then next following, at of the clock in the noon, on each of the ſaid days, at being the times and place of meeting of the commiſſioners in the ſaid commiſſion named, (*or* the major part of them) and make a full diſcovery and diſcloſure of his eſtate and effects, and that at ſuch laſt ſitting he was to finiſh his examination, purſuant to the directions of the ſtatute in that caſe made; and the jurors aforeſaid

aforeſaid, upon their oath, further preſent, That on the ſaid ſeveral days, and at the place laſt aforeſaid, the ſaid being the major part of the commiſſioners in the ſaid commiſſion named and authorized, did meet accordingly; and the ſaid being then and there examined upon oath touching his eſtate and effects, and fraudulently and wickedly deviſing to cheat and defraud the ſaid and others his juſt creditors, he the ſaid did not then and there fully and truly diſcloſe and diſcover unto the ſaid laſt mentioned commiſſioners, then and there met as aforeſaid, all his effects and eſtate, real and perſonal, and how and in what manner, and to whom and upon what conſideration, and at what time or times he had diſpoſed of, aſſigned or transferred divers of his goods, wares and merchandizes, of the value of twenty pounds and upwards, part of his perſonal eſtate, to wit, which, at the ſaid time when he the ſaid ſo as aforeſaid became bankrupt, and alſo at and before the iſſuing of the ſaid commiſſion, and ſince, on the ſaid day of in the year aforeſaid, he was poſſeſſed of, intereſted in, and intitled unto (the ſaid goods not being before that time really, and *bona fide*, ſold by the ſaid in the way of his trade or dealings) but he the ſaid then and there, to wit, the ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, with force and arms, fraudulently and felonioufly did remove, conceal, and embezzle the goods, wares, and merchandizes aforeſaid, and did not deliver up the ſame, or any part thereof, to the ſaid commiſſioners by the ſaid commiſſion authorized, or to the ſaid and being the major part of them, with an intent then and there to defraud the ſaid and others his juſt creditors, of the ſame, in evil example of all others in the like caſe offending, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Barratry.

Warrant for a barrator. See vol. 1, p. 306.

Staffordſhire. { *To the conſtable of*

WHEREAS complaint upon oath hath been made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, that of in the ſaid county, yeoman, on the in the year of the reign of and on divers other days and times, as well before as afterwards, at aforeſaid, in the county aforeſaid, and in divers other places within the county aforeſaid, was and yet is a common barrator, and daily diſturber of the peace of our ſovereign lord the king, and alſo a common brawler, wrangler, fighter, ſcandalizer, and tower of ſedition, ſuits and diſcords between his neighbours, and others the liege people and ſubjects of our ſaid lord the king, and againſt the peace of our ſaid lord the king, and to the evil example of all others in the like caſe offending: Theſe are therefore to command you forthwith to bring the ſaid before me, to anſwer for the ſaid complaint, and to find ſureties for his perſonal appearance at the next general quarter-ſeſſions of the peace to be holden for the ſaid county, then and there to anſwer unto an indictment on the behalf of our ſaid ſovereign lord the king to be preferred againſt him for the ſaid offence. Hereof fail not upon the peril that ſhall enſue thereon. Given under my hand and ſeal the day of

and more then laſt paſt, at the pariſh aforeſaid, in the county aforeſaid, did uſe and exerciſe the trade of merchandize by way of bargaining, exchange, bartering, and cheviſance; and during the whole time aforeſaid did there ſeek his trade of living by buying and ſelling; and the ſaid ſo as aforeſaid uſing and exerciſing the trade of merchandize, by way of bargaining, exchange, bartering and cheviſance, and ſeeking his trade of living by buying and ſelling, on the ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, became indebted to of the city of in the county aforeſaid, in the ſum of pounds and upwards, of lawful money of *Great Britain*, for a juſt and true debt; and being ſo indebted, and ſo as aforeſaid uſing and exerciſing the trade of merchandize, he the ſaid afterwards, to wit, on the ſame day, and in the year above mentioned, at the pariſh aforeſaid, in the county aforeſaid, became a bankrupt within the true intent and meaning of the ſeveral ſtatutes made, and then in force, concerning bankrupts, ſome or one of them; that is to ſay, by withdrawing himſelf, &c. and afterward, to wit, on the day of in the ſaid year of the reign of upon a petition exhibited by the ſaid unto the right honourable baron of in the county of bearing date the ſame day and year, a certain commiſſion of the ſaid king, upon the ſtatute made and provided concerning bankrupts, was duly awarded and iſſued in the court of *Chancery* of the ſaid king, under the great ſeal of *Great Britain*, againſt the ſaid the bankrupt aforeſaid by the name and addition of of, &c. bearing date at *Weſtminſter* the ſame day and year laſt mentioned, by which ſaid commiſſion, the ſaid lord the king did name, aſſign, appoint, conſtitute, and ordain eſquires, and gentlemen, his majeſty's ſpecial commiſſioners; thereby giving full power unto them four, or three of them, to proceed according to the ſame ſtatutes in the ſame commiſſion mentioned, and all other ſtatutes in force concerning bankrupts; not only concerning the ſaid bankrupt, his body, lands, tenements, freehold, and cuſtomary goods, debts, and other things whatſoever, but alſo concerning all other perſons who by concealment, claim, or otherwiſe, did or ſhould offend touching the premiſſes in the ſaid commiſſion ſpecified, or any part thereof, contrary to the true intent and meaning of the ſaid ſtatutes, and to do and execute all and every thing and things whatſoever; as well for and towards ſatisfaction and payment of his ſaid creditors, as towards and for all other intents and purpoſes, according to the ordinance and proviſion of the ſame ſtatutes as by the ſaid commiſſion among other things therein contained doth more fully appear; and afterwards, to wit, on the day of in the year aforeſaid, in the county aforeſaid, the ſaid was by the ſaid three of the aforeſaid commiſſioners in the ſame commiſſion named (having firſt ſeverally duly taken the oath of a commiſſioner of bankrupt in that behalf, before they or either of them acted in the execution of any of the powers or authorities mentioned or expreſſed in the ſaid commiſſion, according to the form of the ſtatute in ſuch caſe lately made and provided) in due form of law declared and adjudged a bankrupt; and the jurors aforeſaid upon their oath aforeſaid, do further preſent, that the ſaid being ſo as aforeſaid a bankrupt, and being ſo declared and adjudged a bankrupt, and being then ſo indebted to the ſaid as aforeſaid, and alſo to and divers others, whoſe names are yet unknown to the ſaid jurors, in divers large ſums of money, notice in writing was on the day of in the year aforeſaid, delivered to the ſaid at the then uſual place of abode of the ſaid and notice was likewiſe given in the *London Gazette* of the day of in the year aforeſaid, that ſuch commiſſion as aforeſaid was iſſued againſt the ſaid and that he the ſaid was declared a bankrupt; and that he was required to ſurrender himſelf to the commiſſioners in the ſaid commiſſion named, or the major part of them, on the day of and on the day of then next following, at of the clock in the noon, on each of the ſaid days, at being the times and place of meeting of the commiſſioners in the ſaid commiſſion named, (*or* the major part of them) and make a full diſcovery and diſcloſure of his eſtate and effects, and that at ſuch laſt ſitting he was to finiſh his examination, purſuant to the directions of the ſtatute in that caſe made; and the jurors aforeſaid

aforeſaid, upon their oath, further preſent, That on the ſaid ſeveral days, and at the place laſt aforeſaid, the ſaid being the major part of the commiſſioners in the ſaid commiſſion named and authorized, did meet accordingly; and the ſaid being then and there examined upon oath touching his eſtate and effects, and fraudulently and wickedly deviſing to cheat and defraud the ſaid and others his juſt creditors, he the ſaid did not then and there fully and truly diſcloſe and diſcover unto the ſaid laſt mentioned commiſſioners, then and there met as aforeſaid, all his effects and eſtate, real and perſonal, and how and in what manner, and to whom and upon what conſideration, and at what time or times he had diſpoſed of, aſſigned or transferred divers of his goods, wares and merchandizes, of the value of twenty pounds and upwards, part of his perſonal eſtate, to wit, which, at the ſaid time when he the ſaid ſo as aforeſaid became bankrupt, and alſo at and before the iſſuing of the ſaid commiſſion, and ſince, on the ſaid day of in the year aforeſaid, he was poſſeſſed of, intereſted in, and intitled unto (the ſaid goods not being before that time really, and *bona fide*, ſold by the ſaid in the way of his trade or dealings) but he the ſaid then and there, to wit, the ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, with force and arms, fraudulently and felonioufly did remove, conceal, and embezzle the goods, wares, and merchandizes aforeſaid, and did not deliver up the ſame, or any part thereof, to the ſaid commiſſioners by the ſaid commiſſion authorized, or to the ſaid and being the major part of them, with an intent then and there to defraud the ſaid and others his juſt creditors, of the ſame, in evil example of all others in the like caſe offending, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Barratry.

Warrant for a barrator. See vol. 1, p. 306.

Staffordſhire. { *To the conſtable of*

WHEREAS complaint upon oath hath been made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, that of in the ſaid county, yeoman, on the in the year of the reign of and on divers other days and times, as well before as afterwards, at aforeſaid, in the county aforeſaid, and in divers other places within the county aforeſaid, was and yet is a common barrator, and daily diſturber of the peace of our ſovereign lord the king, and alſo a common brawler, wrangler, fighter, ſcandalizer, and ſower of ſedition, ſuits and diſcords between his neighbours, and others the liege people and ſubjects of our ſaid lord the king, and againſt the peace of our ſaid lord the king, and to the evil example of all others in the like caſe offending: Theſe are therefore to command you forthwith to bring the ſaid before me, to anſwer for the ſaid complaint, and to find ſureties for his perſonal appearance at the next general quarter-ſeſſions of the peace to be holden for the ſaid county, then and there to anſwer unto an indictment on the behalf of our ſaid ſovereign lord the king to be preferred againſt him for the ſaid offence. Hereof fail not upon the peril that ſhall enſue thereon. Given under my hand and ſeal the day of

Indictment for being a common barrator.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That of the pariſh of in the county of *Middleſex* on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. and divers other days and times, as well before as afterwards, was, and yet is, a common barrator; and that he the ſaid on the ſaid day of and divers other days and times, at the pariſh aforeſaid, in the county aforeſaid, divers quarrels, ſtrifes, ſuits, and controverſies, among the honeſt and quiet liege ſubjects of our ſaid lord the king, then and there did move, procure, ſtir up, and excite, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Baſtard.

Indictment for felony in concealing the death of a baſtard child; on the ſtat. 21 Jac. 1, c. 27. See vol. 1, p. 321.

Worceſterſhire. THE jurors for our lord the king, upon their oath, preſent, That of in the ſaid county, ſpinſter, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. being big with a male child the ſame day and year, at aforeſaid, in the county aforeſaid, by the providence of God did bring forth the ſaid child alive, of the body of her the ſaid alone, and in ſecret; which ſaid male child, ſo being born alive, by the laws of this realm, was a baſtard; and that the ſaid not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, afterward, to wit, on the ſaid day of in the year aforeſaid, as ſoon as the ſaid male baſtard child was born, with force and arms, at in the county aforeſaid, in and upon the ſaid child, in the peace of God, and our ſaid lord the king, then and there being, feloniouſly, wilfully, and of her malice aforethought, did make an aſſault; and that ſhe the ſaid with both her hands about the neck of him the ſaid child, then and there fixed, him the ſaid child, then and there feloniouſly, wilfully, and of her malice aforethought, did choak and ſtrangle, of which ſaid choaking and ſtrangling the ſaid child then and there inſtantly died; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid him the ſaid male baſtard child, in form aforeſaid, feloniouſly, wilfully, and of her malice aforethought, did kill and murder, againſt the peace of our ſaid lord the king, his crown and dignity.

Warrant of the two next juſtices, for the mother, with a ſummons for the reputed father, to make the order of filiation and maintenance; on the 18 El. c. 3. See vol. 1, p. 320.

Staffordſhire. } *To the conſtable of*

WHEREAS information hath been made unto us two of his majeſty's juſtices of the peace in and for the ſaid county, one whereof is of the *quorum*, and both of us reſiding next unto the limits of the pariſh church within the pariſh of in the ſaid

ſaid county, as well upon the complaint of the churchwardens and overſeers of the poor of the ſaid pariſh, as on the oath of of ſingle woman, that on the day of laſt paſt, ſhe the ſaid was delivered of a (*male*) baſtard child at in the ſaid pariſh, and that of in the ſaid county, is the father of the ſaid baſtard child, and the ſaid baſtard child is now living, and chargeable, [*or* likely to become chargeable] to the ſaid pariſh of Theſe are therefore to command you to bring the ſaid before us, at the houſe of in in the ſaid county, on the day of at the hour of in the afternoon of the ſame day, to be by us farther examined, touching the premiſſes; and that you give notice thereof unto the ſaid that he may likewiſe be at the time and place aforeſaid, to make his lawful defence: To the end that upon the examination of the cauſe and circumſtance, we may take ſuch order therein, as to right doth appertain. And what you ſhall do in the execution hereof, you are to make known unto us at the time and place aforeſaid. Given under our hands and ſeals the day of

Order of two juſtices for the maintenance of a baſtard; on the 18 El. c. 3.
See vol. 1, p. 320.

Staffordſhire. THE order of and eſquires, two of his majeſty's juſtices of the peace in and for the ſaid county, one whereof is of the *quorum*, and both reſiding in [*or* next unto the limits of] the pariſh church, within the pariſh of in the ſaid county, made the day of in the year of our Lord 17 concerning a male baſtard child lately born in the pariſh of aforeſaid, of the body of ſingle woman:

Whereas it hath appeared unto us the ſaid juſtices as well upon the complaint of the churchwardens and overſeers of the poor of the ſaid pariſh of as upon the oath of the ſaid that ſhe the ſaid on the day of now laſt paſt, was delivered of a (*male*) baſtard child at in the ſaid pariſh of in the ſaid county, and that the ſaid baſtard child is now chargeable to the ſaid pariſh of and likely ſo to continue; and further, that of in the ſaid county did beget the ſaid baſtard child on the body of her the ſaid and whereas the ſaid hath appeared before us, in purſuance of our ſummons for that purpoſe, but hath not ſhewn any ſufficient cauſe why he the ſaid ſhall not be the reputed father of the ſaid baſtard child: [*or*, And whereas it has been duly proved to us upon oath, that the ſaid hath been duly ſummoned to appear before us the ſaid juſtices, to the end we might examine into the cauſe and circumſtance of the premiſſes; and whereas he the ſaid hath neglected to appear before us, according to ſuch ſummons:] We, therefore, upon examination of the cauſe and circumſtance of the premiſſes, as well upon the oath of the ſaid as otherwiſe, do hereby adjudge him the ſaid to be the reputed father of the ſaid baſtard child.

And thereupon we do order, as well for the better relief of the ſaid pariſh of as for the ſuſtentation and relief of the baſtard child; that the ſaid ſhall and do forthwith, upon notice of this our order, pay or cauſe to be paid to the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of or to ſome one of them, the ſum of for and towards the lying in of the ſaid and the maintenance of the ſaid baſtard child, to the time of making this our order.

And we do alſo hereby further order, that the ſaid ſhall likewiſe pay, or cauſe to be paid, to the churchwardens and overſeers of the poor of the ſaid pariſh of for the time being, or to ſome or one of them, the ſum of weekly, and every week from this preſent time, for and towards the keeping, ſuſtentation, and maintenance of the ſaid baſtard child, for and during ſo long time, as the ſaid baſtard child ſhall be chargeable to the ſaid pariſh of And we do further order that the ſaid ſhall alſo pay or cauſe to be paid to the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of for the time being, or to ſome or one of them, the ſum of

weekly, and every week, ſo long as the ſaid baſtard child ſhall be chargeable to the ſaid pariſh of in caſe ſhe ſhall not nurſe and take care of the ſaid child herſelf. Given under our hands and ſeals, the day and year firſt above written.

Condition of a recognizance to appear at the ſeſſions, after the order not performed; on the 18 Eliz. c. 3. *See* vol. 1, p. 320.

WHEREAS by an order under the hands and ſeals of us two of his majeſty's juſtices of the peace for the county of one whereof is of the quorum, and both of us reſiding in [*or* next unto the limits of] the pariſh church, within the pariſh of in the ſaid county of in the ſaid county, taylor, is adjudged to be the reputed father of a baſtard child, born lately of the body of of ſingle woman, at in the ſaid pariſh of [*and then ſet forth what was ordered therein further*] and whereas the ſaid hath not obſerved, nor performed the ſaid order;

The condition therefore of this recognizance is ſuch, that if the above bound ſhall obſerve and perform the ſaid order, or ſhall perſonally appear at the next general ſeſſions of the peace, to be holden in and for the ſaid county, and ſhall then, and there, abide ſuch order as ſhall be then made by the court, concerning the ſaid baſtard child, if any ſuch order ſhall be then made; and if no ſuch order ſhall be then made, or taken by the ſaid court, if the ſaid do and ſhall perform the order already by us made as aforeſaid; then this recognizance to be void.

Mittimus of the mother of a baſtard child to the houſe of correction; on the 7 Jac. 1, c. 4. See vol. 1, p. 324.

Staffordſhire. } *To the conſtables of in the ſaid county of and to the keeper of the houſe of correction in and for the ſaid county.*

WHEREAS of aforeſaid, ſingle woman, hath lately been delivered in the ſaid pariſh of a female baſtard child, yet living, and chargeable to the aid pariſh, and likely ſo to continue: Theſe are therefore in his majeſty's name, to require and authorize you the ſaid conſtables, and either of you, to apprehend the ſaid and her ſafely convey to the houſe of correction aforeſaid, and to deliver her to the keeper thereof, together with this precept: And you the ſaid keeper, are hereby required to receive the ſaid into your cuſtody, and there to puniſh her, and to ſet her at work, for and during the ſpace of one whole year next enſuing, according to the form of the ſtatute in that caſe made and provided: And hereof fail not, at your reſpective perils. Given under our hands and ſeals, *&c.*

Voluntary examination of a woman with child of a baſtard; on 6 Geo. 2, c. 31. See vol. 1, p. 322.

Staffordſhire. } THE voluntary examination of of in the ſaid county, ſingle woman, taken on oath, before me one of his majeſty's juſtices of the peace in and for the ſaid county, this day of

Who ſaith, that ſhe is now with child, and that the ſaid child is likely to be born a baſtard, and to be chargeable to the pariſh of in the ſaid county, and that of in the ſaid county, is the father of the ſaid child.

Taken, and ſigned the day and year above written, before me,

Examination.

Examination after the birth; on the above ſtatute.

THE examination of of in the ſaid county, ſingle woman, taken upon oath before me one of his majeſty's juſtices of the peace in and for the ſaid county, this day of

Who ſaith, that on the day of now laſt paſt, at in the pariſh of in the county aforeſaid, ſhe the ſaid was delivered of a (male) baſtard child, and that the ſaid baſtard child is likely to become chargeable to the ſaid pariſh of ; and that of in the ſaid county, did get her with child of the ſaid baſtard child.

Taken, and ſigned the day and year above written, before me,

the mark of
†———

Warrant for apprehending the reputed father before the birth; on 6 Geo. 2, c. 31. See vol. 1, p. 322.

Staffordſhire. } *To the conſtable of*

WHEREAS of in the ſaid county, ſingle woman, hath by her voluntary examination, taken in writing upon oath, before me one of his majeſty's juſtices of the peace in and for the ſaid county, this preſent day, declared herſelf to be with child, and that the ſaid child is likely to be born a baſtard, and to be chargeable to the pariſh of in the ſaid county, and that of in the ſaid county, is the father of the ſaid child; and whereas one of the overſeers of the poor of the pariſh of aforeſaid, in order to indemnify the ſaid pariſh in the premiſſes, hath applied to me to iſſue out my warrant for the apprehending of the ſaid I do therefore, hereby command you, immediately to apprehend the ſaid and to bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to find ſecurity to indemnify the ſaid pariſh of or elſe to find ſufficient ſurety for his appearance at the next general quarter-ſeſſions [*or*, next general ſeſſions] of the peace, to be holden for the ſaid county, then, and there, to abide and perform ſuch order or orders as ſhall be made, in purſuance of an act paſſed in the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtards begotten and born out of lawful matrimony. Given under my hand and ſeal, the day of, *&c.*

The like after the birth.

Staffordſhire. } *To the conſtable of*

WHEREAS of in the ſaid county, ſingle woman, hath by her examination taken in writing upon oath before me one of his majeſty's juſtices of the peace in and for the ſaid county, declared, that on the day of now laſt paſt, at in the pariſh of in the county aforeſaid, ſhe the ſaid was delivered of a (male) baſtard child, and that the ſaid baſtard child is likely to become chargeable to the ſaid pariſh of and hath charged of in the ſaid county, with having gotten her with child of the ſaid baſtard child; and whereas one of the overſeers of the poor—— [*And ſo on, as in the foregoing precedent, to the end.*]

Commitment

Commitment thereupon; by the 6 Geo. 2, c. 31. See vol. 1, p. 322.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction* [or *common gaol*] *at in the ſaid county.*

WHEREAS of ſingle woman, in her voluntary examination, taken in writing, and upon oath, the day of now laſt paſt, before me one of his majeſty's juſtices of the peace in and for the ſaid county, hath declared herſelf to be with child, and that the ſaid child is likely to be born a baſtard, and to be chargeable to the ſaid pariſh of and hath charged of gentleman, with having gotten her with child of the ſaid child; [*or, if it is after the birth, then ſay,* Whereas of ſingle woman, in her examination, taken in writing, upon oath, before me one of his majeſty's juſtices of the peace in and for the ſaid county, hath declared, that on the day of now laſt paſt, at in the pariſh of in the county aforeſaid, ſhe, the ſaid was delivered of a (male) baſtard child, and that the ſaid baſtard child is likely to become chargeable to the ſaid pariſh of and hath charged of with having gotten her with child of the ſaid baſtard child] and whereas, the ſaid being now perſonally preſent before me, being brought by my warrant, upon application for that purpoſe to me made, by one of the overſeers of the poor of the ſaid pariſh, hath refuſed to give ſecurity to indemnify the ſaid pariſh, and hath alſo refuſed to enter into a recognizance with ſufficient ſurety, upon condition to appear at the next general quarter-ſeſſions [*or*, next general ſeſſions] of the peace, to be holden for the ſaid county, and to abide and perform ſuch order or orders as ſhall be made, in purſuance of an act paſſed in the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtards begotten, and born out of lawful matrimony: Theſe are therefore to command you the ſaid conſtable, to take and convey the ſaid to the houſe of correction, at in the ſaid county, and to deliver him to the keeper thereof, together with this warrant. And I do hereby command you, the ſaid keeper of the ſaid houſe of correction, to receive the ſaid into your cuſtody, in the ſaid houſe of correction, and him there ſafely to keep, until he ſhall give ſuch ſecurity, or enter into ſuch recognizance as aforeſaid, or be otherwiſe lawfully delivered from thence. Given under my hand and ſeal, the day of

Bond to indemnify the pariſh concerning a baſtard child.

KNOW all men by theſe preſents, that we of in the county of gentleman, and of are held and firmly bound unto of in the ſaid county (in truſt for the pariſhioners of the ſaid pariſh) in pounds of good and lawful money of *Great Britain*, to be paid to the ſaid or their certain attorney, their executors, adminiſtrators, or aſſigns: To which payment, well and truly to be made, we bind ourſelves, and each of us, jointly and ſeverally, and our, and each and every of our heirs, executors, and adminiſtrators, firmly by theſe preſents. Sealed with our ſeals, and dated the day of in the year of the reign of our ſovereign lord *George* the of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, and in the year of our Lord

The condition of this obligation is ſuch, that whereas of ſingle woman, hath in and by her voluntary examination, taken in writing, and upon oath, before one of his majeſty's juſtices of the peace in and for the ſaid county of declared that ſhe is with child, and that the ſaid child is likely to be born a baſtard, and to be chargeable to the ſaid pariſh of and that the above bounden is the father of the ſaid child; [*if it is after the birth, then ſay, that* whereas of ſingle woman, in her examination taken in writing, upon oath, before me one of his majeſty's juſtices of the peace in and for the ſaid county, hath declared, that on the day of now laſt paſt, at in the pariſh of in the county aforeſaid, ſhe

ſhe the ſaid was delivered of a (male) baſtard child, and that the ſaid baſtard child is likely to become chargeable to the ſaid pariſh of and hath charged the above bound with having gotten her with child of the ſaid baſtard child; if therefore, the ſaid and or either of them, their, or either of their heirs, executors or adminiſtrators, do and ſhall, from time to time, and at all times hereafter, fully and clearly indemnify and ſave harmleſs, as well the above named churchwardens and overſeers of the poor of the ſaid pariſh of and their ſucceſſors for the time being; as alſo all and ſingular the other pariſhioners and inhabitants of the ſaid pariſh of which now are, or hereafter ſhall be for the time being, of and from all manner of coſts, taxes, rates, aſſeſſments and charges whatſoever, for or by reaſon of the birth, education, and maintenance of the ſaid child, and of and from all actions, ſuits, troubles, and other charges and demands whatſoever, touching or concerning the ſame; that then, this preſent obligation to be void; otherwiſe, to remain of force.

Signed, ſealed, and delivered (being firſt duly ſtamped) in the preſence of

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Condition of a recognizance for the father to appear at ſeſſions; on 6 G. 2, c. 31.

THE condition of this recognizance is ſuch, that if the ſaid do and ſhall appear at the next general quarter-ſeſſions [*or*, the next general ſeſſions] of the peace to be holden for the ſaid county, and ſhall then and there abide, and perform ſuch order or orders as ſhall be made, in purſuance of an act paſſed in the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtards begotten and born out of lawful matrimony, upon the complaint of the churchwardens and overſeers of the pariſh of in the ſaid county, for begetting a child on the body of ſingle woman, which child is likely to be born a baſtard, and to be chargeable to the ſaid pariſh of then this recognizance to be void; otherwiſe to remain of force.

If it is after the birth, then ſay, For begetting a baſtard child, born in the pariſh of in the ſaid county, on the body of ſingle woman; which child is now chargeable [*or* likely to become chargeable] to the ſaid pariſh of then this recognizance to be void.

Warrant to releaſe a man out of cuſtody, committed to the common gaol, or houſe of correction, and charged with having gotten a ſingle woman with child, when the woman ſo charging any man aforeſaid, ſhall happen to die, or be married, before ſhe ſhall be delivered; or, if ſhe ſhall miſcarry of ſuch child; or ſhall appear not to have been with child at the time of her examination; on the ſtat. 6 Geo. 2, c. 31, ſect. 2. See vol. 1, p. 323.

County of Stafford. } *To the governor or keeper of the houſe of correction, at* [or at any other place where in cuſtody,] *for the ſaid county of* Stafford.

WHEREAS of the pariſh of in the ſaid county of ſingle woman, in her examination, taken in writing, and upon oath, the day of laſt paſt, before me, then, and now, one of his majeſty's juſtices of the peace for the ſaid county of and reſiding in [*or* near] the limits where the ſaid pariſh of doth lie, did therein declare, That ſhe was with child, and that the ſaid child was likely to be born a baſtard, and to be chargeable to the ſaid pariſh of and did therein charge of the ſaid pariſh of labourer, with having gotten the ſaid child on her body, with which ſhe was then pregnant: And whereas the ſaid when brought before me, (by virtue of my warrant iſſued upon application made to me

me by one of the overſeers of the poor of the ſaid pariſh of) did refuſe to give ſecurity to indemnify the ſaid pariſh of and did alſo refuſe to enter into a recognizance, with ſufficient ſurety, upon condition to appear at the next general quarter-ſeſſions, or general ſeſſions of the peace, to be holden for the ſaid county, [riding, diviſion, city, liberty, *or* town-corporate,] of and to abide and perform ſuch order or orders, as ſhould be made in purſuance of an act paſſed in the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtards begotten and born out of lawful matrimony, as the ſtatute directs; whereupon I did, by warrant under my hand and ſeal, bearing date the day of laſt paſt, commit the ſaid to your houſe of correction, [*or* to the common gaol] at for the ſaid county of ; and whereas the ſaid hath this day appeared before me, purſuant to my ſummons, but hath not ſhewn any cauſe why the ſaid ſhould not be diſcharged from his impriſonment, as the ſtatute doth direct; and it having been duly proved before me, on oath, that the ſaid did die before ſhe was delivered of the ſaid child; [*or* that the ſaid was married before ſhe was delivered of the ſaid child; *or* that the ſaid hath miſcarried of the ſaid child; *or*, it doth appear unto me, that the ſaid was not with child on the day of laſt paſt, at the time of her examination] Theſe are therefore in his majeſty's name, to authorize and require you, the ſaid governor or keeper of the houſe of correction, not to detain the ſaid any longer in your cuſtody, but that you do forthwith releaſe him from thence, and ſuffer him to go at large; provided he is charged with no other offence. Given under my hand and ſeal at aforeſaid, this day of in the year of our Lord

Summons for the overſeers (or *overſeer*) *of the poor of a pariſh*, (or *one or more of the ſubſtantial houſholders of an extraparochial place,*) *to appear before one or more juſtices, to ſhew cauſe why a man committed to any gaol, or houſe of correction, ſhould not be diſcharged if no order ſhall appear to have been made in purſuance of the ſtat.* 18 Eliz. c. 3, *within ſix weeks after ſuch woman ſhall have been delivered: On ſtat.* 6 Geo. 2, c. 31, ſect. 3. See vol. 1, p. 323.

County of Stafford. } *To and the overſeers,* [or *overſeer,*] *of the poor of the pariſh of in the ſaid county of* Stafford, [or *to one or more of the ſubſtantial houſeholders of an extraparochial place.*]

WHEREAS application hath been made unto me, (one of his majeſty's juſtices of the peace for the ſaid county of and reſiding in, [*or* near] the limits where the ſaid pariſh of doth lie,) by of the ſaid pariſh of glover, on the behalf of of the ſaid pariſh of labourer, who being charged by of the ſaid pariſh of ſingle woman, in her examination, taken in writing, and upon oath, before me, on the day of laſt paſt, with having gotten the ſaid with child, and that the ſaid child was likely to be born a baſtard, and to be chargeable to the ſaid pariſh of ; and the ſaid when brought before me, having refuſed to give ſecurity to indemnify the ſaid pariſh of and having alſo refuſed to enter into a recognizance with ſufficient ſurety, upon condition to appear at the next general quarter-ſeſſions, or general ſeſſions of the peace, was therefore, on the day of laſt paſt, by me committed to the houſe of correction, [*or to any gaol,*] at for the ſaid county of purſuant to the directions of an act of parliament paſſed in the ſixth year of the reign of our ſovereign lord king *George* the ſecond, (intitled, *An act for the relief of pariſhes and other places, from ſuch charges as may ariſe from baſtard children born within the ſame*) And whereas the ſaid doth alledge, that it is more than weeks ſince the ſaid was delivered of the ſaid child; and that no order hath been made in purſuance of an act of the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtard

tards begotten and born out of lawful matrimony: Theſe are therefore in his majeſty's name, to ſummon and require you the ſaid and to appear before me, at the houſe of called the in the ſaid pariſh of on next, the day of inſtant, at o'clock in the forenoon, to ſhew cauſe, if you can, why the ſaid ſhould not be diſcharged from his impriſonment in the ſaid houſe of correction, as is directed by the ſaid act of the ſixth of king *George* the ſecond. Given, *&c.*

Warrant to releaſe a man out of cuſtody, committed to a common gaol, (or *houſe of correction,*) *when no order ſhall appear to have been made in purſuance of the* 18 Eliz. c. 3, *within ſix weeks after ſuch woman ſhall have been delivered: On* ſtat. 6 Geo. 2, c. 31, ſect. 3. See vol. 1, p. 323.

County of Stafford. } *To the governor or keeper of the houſe of correction,* [or *any gaol,*] *at for the ſaid county of* Stafford.

WHEREAS application hath been made unto me, (one of his majeſty's juſtices of the peace for the ſaid county of and reſiding in, [*or* near,] the limits where the pariſh of in the ſaid county of *Stafford* doth lie,) by of the ſaid pariſh of glover, on behalf of the ſaid pariſh of who being charged by of the ſaid pariſh of ſingle woman, in her examination, taken in writing, and upon oath, before me, on the day of laſt paſt, with having gotten the ſaid with child, and that the ſaid child was likely to be born a baſtard, and to be chargeable to the ſaid pariſh [*or* extraparochial place,] of and the ſaid when brought before me, having refuſed to give ſecurity to indemnify the ſaid pariſh of and having alſo refuſed to enter into a recognizance, with ſufficient ſurety, upon condition to appear at the next general quarter-ſeſſions, or general ſeſſions of the peace, was therefore, on the day of laſt paſt, by my warrant, committed to your houſe of correction, [*or to any* gaol,] at for the ſaid county of purſuant to the directions of an act of parliament paſſed in the ſixth year of the reign of our ſovereign lord king *George* the ſecond, and ſo forth, intitled, *An act for the relief of pariſhes and other places, from ſuch charges as may ariſe from baſtard children born within the ſame:* And whereas one of the overſeers of the poor of the ſaid pariſh of hath this day appeared before me, purſuant to my ſummons, but hath not ſhewn any cauſe why the ſaid ſhould not be diſcharged from his impriſonment, as the ſtatute doth direct; [*or, if none of the overſeers do appear on the ſummons, then ſay*; And whereas and the overſeers of the poor of the ſaid pariſh of have all of them neglected and refuſed to appear before me at the time and place appointed by my ſummons, for them to ſhew cauſe why the ſaid ſhould not be diſcharged from his impriſonment, as the ſtatute directs, although it appears unto me, upon oath, that they were all of them duly ſummoned ſo to do,] and it appearing unto me, on the oath of of the ſaid pariſh of that it is no more than weeks ſince the ſaid was delivered of the ſaid child; and alſo, that no order hath been made in purſuance of an act of the eighteenth year of the reign of her late majeſty queen *Elizabeth*, concerning baſtards begotten and born out of lawful matrimony: Theſe are therefore in his majeſty's name, to authorize and require you, the ſaid governor or keeper of the ſaid houſe of correction, not to detain the ſaid any longer in your cuſtody, but that you releaſe him from thence, and ſuffer him to go at large; provided he is charged with no other offence. Given, *&c.*

Warrant to ſeize the goods and chattels, and to receive the rents iſſuing out of the lands of the putative father, or lewd mother, who ſhall leave his, her, or their baſtard child a charge upon a pariſh: On the ſtat. 13 & 14 Car. 2, c. 12, ſect. 19. See vol. 1, p. 322.

County of Stafford. } *To the churchwardens and overſeers for the poor of the pariſh of in the ſaid county of*

WHEREAS churchwarden, and overſeers for the poor of the ſaid pariſh of have made complaint unto us, whoſe hands and ſeals are hereunto ſet, two of his majeſty's juſtices of the peace, (one whereof is of the quorum,) in and for the ſaid county of that of the ſaid pariſh of hath run away out of the ſaid pariſh of and that the place of his abode cannot be known; and that the ſaid hath left his male baſtard child, aged three years, and born within the ſaid pariſh of upon the charge of the ſaid pariſh of although the ſaid hath an eſtate ſufficient to diſcharge the ſaid pariſh of from the charge thereof: And whereas, upon due examination made by us the ſaid juſtices, upon oath, and otherwiſe, into the cauſe and circumſtance of the ſaid complaint and premiſſes, it appeareth unto us, and we do adjudge, that the complaint aforeſaid and premiſſes are true; and we do likewiſe adjudge, that the ſaid is the putative father of the ſaid Theſe are therefore, in his majeſty's name, to authorize you the ſaid churchwardens and overſeers for the poor of the ſaid pariſh of to take and ſeize ſo much of the goods and chattles, and to receive ſo much of the annual rents, or profits of the lands of the ſaid [*or* lewd mother,] as will be ſufficient to diſcharge the ſaid pariſh of for the bringing up and providing for the ſaid And you are hereby required to appear before the juſtices of the peace, at the next quarter-ſeſſions, for a confirmation of this order. Given, *&c.*

Commitment to the houſe of correction of the lewd mother of a baſtard child chargeable to a pariſh, and who refuſeth to put in ſufficient ſurety for her appearance at the next general quarter-ſeſſions, or general ſeſſions of the peace, to anſwer for the ſaid offence: On ſtat. 18 Eliz. c. 3. 7 Jac. 1, c. 4, ſect 7. See vol. 1, p. 320, 321.

County of Stafford. } *To the conſtables of the pariſh of in the ſaid county of and to the governor or keeper of the houſe of correction, at for the ſaid county of* Stafford.

WHEREAS one of the overſeers of the poor of the ſaid pariſh of hath made application and complaint unto us, whoſe hands and ſeals are hereunto ſet, (two of his majeſty's juſtices of the peace in and for the ſaid county of ,) that a lewd ſingle woman of the ſaid pariſh of was on the day of laſt paſt, delivered of a male baſtard child, within the ſaid pariſh of which ſaid male baſtard child was begotten and born out of lawful matrimony, and is now living, and chargeable to the ſaid pariſh of and is likely ſo to continue; and whereas it appeareth unto us, the ſaid juſtices, on the oath of of the ſaid pariſh of and otherwiſe, that the ſaid complaint of the ſaid and premiſſes are true; [*or, if the woman will confeſs the fact, it may run thus:* And whereas the ſaid being now here before us the ſaid juſtices, hath confeſſed that the ſaid complaint of the ſaid and premiſſes are true,] and the ſaid having no eſtate, neither real nor perſonal, whereon to ſeize, to indemnify the ſaid pariſh of and having refuſed to put in ſufficient ſurety to appear at the next general quarter-ſeſſions, (*or* general ſeſſions) of the

the peace, to be held for the said county of there to answer to the said complaint: These are therefore, in his majesty's name, to authorize you the said constables of the said parish of or one of you, to take the said and to convey her to the house of correction at for the said county of and to deliver her to the governor, or keeper thereof, together with this our warrant; and you, the said governor, or keeper, are hereby required to receive the said into your said house of correction, and custody, and her there safely to keep, until she shall put in sufficient surety to appear at the next general quarter-sessions of the peace, and there to answer to the said complaint of the said or until she shall be otherwise discharged by due course of law. Given, &c.

Black Act.

Indictment for felony; in appearing armed, disguised, and stealing deer in an inclosed park; on the stat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

County of Stafford. } THE jurors for our lord the king, upon their oath, present, That late of the parish of in the said county of *Stafford*, labourer, late of the same, labourer, and late of the same, labourer, being ill-designing and disorderly persons, not regarding the laws and statutes of this realm, nor the pains and penalties therein contained, after the first day of *June*, 1713, to wit, on the day of in the year of the reign of our sovereign lord *George* the third, now king of *Great Britain*, &c. being armed with pistols and other offensive weapons, having their faces blacked and disguised, with force and arms, at the parish aforesaid, in the county aforesaid, in a certain park there lying and being, (inclosed with wooden pales, where deer had been usually and then were kept, belonging to) unlawfully and feloniously did enter and appear, and one fallow deer of the price of of the goods and chattels of the said in the same park, then and there being found, with force and arms, then and there unlawfully, wilfully, and feloniously did hunt, wound, kill, destroy, take, and carry away, against the form of the statute in such case made and provided, in contempt of our said lord the king, and his laws, to the evil example of all others, in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for felony, in breaking down the head and mound of a fish-pond, whereby the fish were lost; in the stat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

Staffordshire. } THE jurors for our lord the king, upon their oath, present, That late of the parish of in the said county of *Stafford*, labourer, being an evil disposed person, after the first day of *June*, in the year of our Lord 1723, to wit, on the day of in the year of the reign of our sovereign lord *George* the third, king of *Great Britain*, &c. with force and arms, at the parish aforesaid, in the county aforesaid, the head and mound of a certain fish-pond, in a certain orchard belonging to there situate, lying and being, unlawfully, maliciously, and feloniously did break down, whereby the fish in the same pond, then and there being, were lost and destroyed, to the great damage of the said against the form of the statute in such case made and provided, to the evil example of all others in like case offending, and against the peace of our said lord the king, his crown and dignity.

Indictment for felony; in maliciously cutting down two elm trees, growing for ornament; on the statute of 9 Geo. 1, c. 22. See vol. 1, p. 347.

Staffordshire. } THE jurors for our lord the king, upon their oath, present, That late of the parish of in the county of labourer, after the first day of *June*, in the year of our Lord 1723, to wit, on the day of in the year of the reign of our sovereign lord *George* the third, now king of *Great Britain, &c.* with force and arms, at the parish aforesaid, in the county aforesaid, unlawfully, maliciously, and feloniously did cut down and destroy two elm trees, in a certain avenue to the dwelling-house of one there planted, and then growing for ornament (he the said then being the owner of the said trees) to the great damage of the said against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity.

Indictment for felony; for forcibly rescuing a person from a constable, charged with feloniously, &c. sending a letter, without a name subscribed, demanding money; on the stat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

Staffordshire. } THE jurors for our lord the king, upon their oath, present, That on the day of in the year of the reign of our sovereign lord *George* the third, now king of *Great Britain, &c.* one at the parish of in the county of was brought by then being one of the constables of the same parish, before then and yet one of the justices of our said lord the king, assigned to keep the peace in the county of and also to hear and determine divers felonies, trespasses, and other misdeeds committed in the same county, and the said then and there was charged upon the oath of for feloniously, knowingly, and maliciously sending a certain letter to demanding money, and the said was then and there examined before the said the said justice, touching and concerning the aforesaid felony, and thereupon the aforesaid the said justice, then and there in due form of law, did make a certain warrant under his hand and seal, bearing date the day of in the year of our Lord directed to the keeper of *Newgate*, or his deputy, commanding them to receive into custody the body of the said charged upon the oath of the said with feloniously, knowingly, and maliciously sending a letter, without any name subscribed, to demanding money; and the said justice, by his warrant aforesaid, did command the said keeper safely to keep the said in custody, until he the said from thence should be discharged by due course of law; which same warrant afterward, to wit, on the said day of in the said year of the reign of our said lord the king, at the parish aforesaid, in the county aforesaid, was delivered to the said then and there being one of the constables of the said parish, and the said him the said in his custody, by virtue of the said warrant, and for the cause aforesaid, then and there had; and that late of the parish aforesaid, in the county aforesaid, labourer, late of the same, labourer, and late of the same, labourer, being ill-designing and disorderly persons, and not regarding the laws and statutes of this realm, nor the pains and penalties therein contained, but wickedly and unlawfully contriving and intending to pervert the due course of law, and to cause the said to escape with impunity, afterwards, to wit, on the said day of in the said year of the reign of our said lord the king, with force and arms, at the parish aforesaid, in the county aforesaid, in and upon the said (then and there being constable as aforesaid, and then and there lawfully having the said in his custody, by virtue of the said warrant, and for the cause aforesaid) in the peace of God, and our said lord the king, and in due execution of his said office, then and there being, did make an assault; and that the said and the said out of the custody of the said and against the

will of him the ſaid then and there, with force and arms, unlawfully, forcibly, and felonioufly did reſcue, and put at large to go where he would, to the great hindrance of juſtice, in contempt of our ſaid lord the king, and his laws, to the evil example of all others in the like caſe offending, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for felony; in ſending a letter, without a name ſubſcribed, demanding money; on the ſtatute 9 Geo. 1, c. 22. See vol. 1, p. 347, 348.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford*, labourer, being an ill-diſpoſed perſon, and ſeeking wicked gain, and little regarding the laws and ſtatutes of this kingdom, nor the pains and penalties therein contained, after the firſt day of *June*, in the year of our Lord 1723, to wit, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, with force and arms, at the pariſh aforeſaid, in the county aforeſaid, knowingly, unlawfully, wickedly, and felonioufly did ſend a certain letter in writing, bearing date the ſaid day of without any name ſubſcribed and ſigned thereto, directed to one by the name of demanding money, to wit, guineas, to the great damage of the ſaid and againſt the form of the ſtatute in that caſe made and provided, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

For felony; in procuring a perſon, by promiſe of money, to join in ſetting fire to a ſtack of hay; on the ſtat. 9 Geo. 1, c. 22. See vol. 1, p. 347, 348.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford*, labourer, being an evil-diſpoſed perſon, not regarding the laws and ſtatutes of this realm, nor the pains and penalties therein contained, after the firſt day of *June*, to wit, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, *&c.* with force and arms, at the pariſh of in the county aforeſaid, did felonioufly and maliciouſly procure by promiſe of money, to wit, of the ſum of to join him the ſaid unlawfully, felonioufly, and maliciouſly, in ſetting fire to a certain ſtack of hay, belonging to in the farm-yard of him the ſaid ſituate, lying, and being in the ſaid pariſh of in the county aforeſaid, againſt the form of the ſtatute in ſuch caſe made and provided, in contempt of our ſaid lord the king, and his laws, to the evil example of all others in the like caſe offending, to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for felony; for maliciouſly ſhooting at a perſon in his dwelling-houſe: on the Stat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

County of Stafford. THE jurors for our lord the king, upon their oath, preſent, That of the pariſh of in the county of *Surry*, being an ill-deſigning and diſorderly perſon, of a wicked and malicious diſpoſition, and not regarding the laws and ſtatutes of this realm, nor the pains and penalties therein contained, after the firſt day of *June*, in the year of our Lord 1723, to wit, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, *&c.* with force and arms, at the pariſh aforeſaid, in the county aforeſaid, with a certain gun, loaded with gunpowder and a leaden bullet, which he the ſaid in both

both his hands, then and there had and held, he the said with the said gun ſo being loaded as aforeſaid, did then and there wilfully, maliciouſly, unlawfully, knowingly, and felonioufly ſhoot at the ſaid then and there being in his own dwelling houſe, againſt the form of the ſtatute in ſuch caſe made and provided, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Information againſt deer-ſtealers diſguiſed; on ſtat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

Staffordſhire, *to wit.* } THE information of of and of the pariſh of in the ſaid county, taken before and eſquires, two of his majeſty's juſtices of the peace for the ſaid county, on the day of 17

The informants depoſe and ſay, upon their oaths, that on the day of laſt Paſt and all of the pariſh of in the ſaid county, labourers, about of the clock in the morning of the ſame day, with their faces blacked, and armed with guns and ſwords, did forcibly enter into the park of in aforeſaid, and then and there did take, kill, and carry away, a brace of fallow deer, contrary to the ſtatute in that caſe made. And further, that when they the ſaid and had ſo done, they made their eſcape to in the ſaid county of and have not ſince been heard of, to the knowledge of the informants.

Sworn the day and year aforeſaid, before us

Certificate to the ſecretary of ſtate of an information againſt deer-ſtealers diſguiſed; purſuant to the ſtat. 9 Geo. 1, c. 22, ſ. 4. See vol. 1, p. 349.

To the right honourable one of his majeſty's principal ſecretaries of ſtate.

THIS is to certify that the information of and of the pariſh of in the county of *Stafford*, againſt and all of the pariſh of in the ſaid county of *Stafford*, for killing and ſtealing of deer in the foreſt of hereto annexed, was taken on oath before us and eſquires, two of his majeſty's juſtices of the peace for the ſaid county of as therein is mentioned; which information is returned to you to be laid before the king in council, and that his majeſty's order of council be thereupon made for the ſaid and ſurrendering themſelves to juſtice, as the ſtatute directs. Given under our hands and ſeals this

Warrant to apprehend deer-ſtealers diſguiſed; on ſtat. 9 Geo. 1, c. 22. See vol. 1, p. 347.

Staffordſhire, *to wit.* } WHEREAS of aforeſaid, and of in the ſaid county of were this day charged by the oaths of and both of aforeſaid, labourers, with entering the park of in aforeſaid, in company with divers others, armed with guns and ſwords, and with faces blacked and diſguiſed, and carrying away from thence one fallow deer, on the day of about of the clock in the morning of the ſame day: Theſe are therefore, in his majeſty's name, to require and authorize you to apprehend the ſaid and and bring them before us, or ſome other of his majeſty's juſtices of the peace, to be examined concerning the premiſſes, and to be further dealt with according to law. Given under our hands and ſeals this

Commitment of deer-ſtealers diſguiſed.

Staffordſhire, } *To the conſtable of in the ſaid county, and to the keeper of his ma-*
to wit, } *jeſty's gaol in and for the ſaid county.*

WHEREAS of hath been charged before us this day, by the oaths of and with a felony by him committed, in forcibly entering the park of of in company with divers others, armed with guns and ſwords, and with faces blacked and diſguiſed, and killing and carrying away from thence a brace of deer, on the day of laſt: And whereas the ſaid hath been examined by us, and is not able to clear himſelf from the ſaid charge: Theſe are, therefore, in his majeſty's name, to require and authorize you the ſaid conſtable to convey the ſaid to the ſaid gaol; and we do hereby command you the ſaid keeper to receive the ſaid into your cuſtody, and him ſafely to keep until he ſhall be diſcharged by due courſe of law. Given under our hands and ſeals this

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Bread.

Information of an undue mixture uſed in making of bread; on the ſtat. 31 G. 1, c. 29, ſect. 22. See vol. 1, p. 380.

Staffordſhire. } BE it remembered, that this day of in the year of the reign of at in the ſaid county in his proper perſon, exhibiteth to me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, a complaint and information, and thereby informeth me, that late of in the county aforeſaid on the day of [*Here ſpecify the time of the offence, that the proſecution may appear to be commenced within three days after the offence committed, according to the forty-ſecond ſection of the aforeſaid ſtatute*] did put into, and uſe in making of bread to be ſold, a preparation or mixture, in which allum was an ingredient, contrary to the form of the ſtatute in ſuch caſe made and provided, whereby the ſaid hath forfeited a ſum of money not exceeding ten pounds, nor leſs than forty ſhillings; and thereupon, the ſaid prayeth judgment of me the ſaid juſtice in that behalf, and that he the ſaid may have one moiety of the ſaid forfeiture, according to the form of the ſtatute in ſuch caſe made; and that the ſaid may be ſummoned to anſwer the premiſſes before me the ſaid juſtice.

Summons thereupon.

Staffordſhire. } *To the conſtable of of*

WHEREAS a complaint and information have been exhibited before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by that late of in the county aforeſaid, baker, on the day of in the year of the reign of did put into, and uſe in the making of bread to be ſold, a preparation or mixture, in which allum was an ingredient, contrary to the form of the ſtatute in ſuch caſe made and provided: Theſe are therefore, to require you forthwith

with to ſummon the ſaid to appear before me at on the day of at the hour of in the forenoon of the ſame day, then and there to anſwer to the ſame information; and be you there to certify what you ſhall have done in the premiſſes. Herein fail you not. Given under my hand and ſeal, the day of in the year aforeſaid.

The form of the conviction, by the words of the ſtatute. See vol. 1, p. 389.

Warrant of diſtreſs, on nonpayment of the penalty within twenty-four hours after the conviction; on ſtat. 31 Geo. 2, c. 29, ſect. 34. See vol. 1, p. 387.

Staffordſhire. } *To the conſtable of*

WHEREAS late of in the county aforeſaid, baker, was on the day of duly convicted before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by the oath of a credible witneſs; for that he the ſaid on the day of did put into and uſe in the making of bread to be ſold, a preparation or mixture, in which allum was an ingredient, againſt the form of the ſtatute in ſuch caſe made and provided; by reaſon whereof I did adjudge, and have adjudged him to pay and forfeit, for the ſaid offence, the ſum of 5*l.* to be diſtributed as is herein after mentioned; and whereas it appears to me that the ſaid ſum or any part thereof is not yet paid, I do therefore hereby authorize and require you forthwith to make diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum of 5*l.* ſhall not be paid, that then you do cauſe the ſaid goods by you ſeized, to be appraiſed and ſold, rendering the overplus to him the ſaid after deducting the ſaid ſum of 5*l.* and alſo the coſts and charges of the proſecution for the ſaid offence, and of the ſaid diſtreſs and ſale; which coſts and charges I do hereby aſcertain at the ſum of 30*s.* and out of the ſaid ſum of 5*l.* ſo forfeited as aforeſaid, you are to pay one moiety to who informed me of the ſaid offence, and proſecuted to conviction him the ſaid before me for the ſame; and the other moiety you are to apply for the better carrying the act of parliament for the due making of bread, and for the other purpoſes therein mentioned, into execution, according as I hereafter ſhall give you directions. And if ſufficient diſtreſs cannot be had or found, whereupon to levy the ſaid ſum of of 5*l.* as aforeſaid, you are hereby required to certify the ſame to me, together with the return of this precept. Herein fail you not. Given under my hand and ſeal the day of in the year of the reign of

Return of the want of diſtreſs, indorſed upon the warrant.

Staffordſhire. } I conſtable of in the ſaid county, do hereby certify to eſq. one of his majeſty's juſtices of the peace for the ſaid county, that by virtue of this warrant, I have made diligent ſearch for the goods and chattels of the within mentioned and that I can find no ſufficient goods and chattels of him the ſaid whereon to levy the within-mentioned ſum of five pounds. Witneſs my hand the day of in the year

Sworn before me the ſaid juſtice, the day and year aforeſaid.

Commitment

Commitment for want of diſtreſs.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the common gaol at in the ſaid county: on the* Stat. 31 Geo. II. c. 29, ſect. 34. See vol. 1, page 386.

WHEREAS late of in the county aforeſaid, baker, was on the day of duly convicted before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by the oath of a credible witneſs, for that he the ſaid on the day of did put into and uſe in the making of bread to be ſold, a preparation or mixture, in which allum was an ingredient, againſt the form of the ſtatute in that caſe made and provided, by reaſon whereof I did adjudge him to pay and forfeit for the ſaid offence the ſum of five pounds. And whereas on the day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of five pounds, by diſtreſs of the goods and chattels of h imthe ſaid And whereas it appears to me, as well upon the oath of the ſaid conſtable of as otherwiſe, that he the ſaid conſtable of hath uſed his beſt endeavours to levy the ſaid ſum on the goods and chattels of the ſaid as aforeſaid; but that no ſufficient diſtreſs can be found whereon to levy the ſame. Therefore I do hereby command you the ſaid conſtable of in the ſaid to apprehend and ſafely convey him the ſaid to the ſaid common gaol, and him to deliver to the keeper thereof aforeſaid, together with this precept; and I do hereby command you the ſaid keeper of the gaol aforeſaid, to receive into your cuſtody in the ſaid gaol, him the ſaid and him there ſafely keep for the ſpace of one calendar month, from the time of this commitment, unleſs the ſaid ſum of five pounds, and alſo the coſts and charges of the proſecution, which I have aſcertained at the ſum of ſhall be ſooner paid. Given under my hand and ſeal the day of in the year aforeſaid.

Bridges.

Indictment for not repairing a bridge. See vol. 1, pag. 418—437.

Staffordſhire. } BY the oaths of good and lawful men of the county aforeſaid, then and there ſworn, and charged to enquire for our ſaid lord the king, and the body of the county aforeſaid, it is preſented, that a certain common bridge, over the river commonly called bridge, lying and being in the pariſh of in the county aforeſaid, in the king's common highway there, leading from the market town of to the market town of in the ſaid county, altogether and from the time whereof the memory of man is not to the contrary, being a common king's highway, for all the lieges and ſubjects of our ſaid lord the king and of his anceſtors, with their horſes, carts and carriages, to go, paſs, ride, and travel at their pleaſure, on the day of in the year of the reign of was, and yet is in great decay, broken and ruinous, ſo that the lieges and ſubjects of our ſaid lord the king, upon and over the ſaid bridge, with their horſes, carts and carriages, could not and cannot go, paſs, ride, and travel, without great danger, to the grievous damage and nuiſance of all the leiges and ſubjects of our ſaid lord the king, upon and over the

ſame bridge, going, paſſing, riding, and travelling, and againſt the peace of our ſaid lord the king, his crown and dignity. And that late of in the ſaid county, gentleman, by reaſon of his tenure of certain lands lying in the pariſh of aforeſaid, and elſewhere in the ſaid county, ought to make, repair, and amend the ſaid common bridge, as often as, and when it ſhall be neceſſary.

Buggery.

Indictment for buggery. See vol. 1, pag. 437, 439.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, that late of in the ſaid county of *Stafford* , not having the fear of God before his eyes, nor regarding the order of nature, but being moved and ſeduced by the inſtigation of the Devil, on the day of in the year of the reign, &c. with force and arms at the pariſh aforeſaid, in the county aforeſaid, in and upon one , a youth, about the age of years, then and there being, felonioufly did make an aſſault, and then and there felonioufly, wickedly, diabolically, and againſt the order of nature, had a venereal affair with the ſaid and then and there carnally knew the ſaid and then and there, felonioufly, wickedly, and diabolically, and againſt the order of nature, did commit and perpetrate that deteſtable and abominable crime of buggery *(not to be named among Chriſtians)* to the great diſpleaſure of Almighty God, to the great ſcandal of all human kind, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace, &c.

Indictment for ſodomy in ano of a girl.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, to wit. } That late of the pariſh of in the ſaid county of *Stafford*, not having God before his eyes, nor regarding the order of nature, but moved and ſeduced by diabolical inſtigation, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great-Britain*, &c. with force and arms at the pariſh aforeſaid, in the county aforeſaid, in a certain room in the workhouſe then ſituate in the pariſh aforeſaid, in and upon one , ſpinſter, then a virgin, of the age of eleven years, in the peace of God and our ſaid lord the king, then and there being, did violently and felonioufly make an aſſault, and then and there the ſaid in the room aforeſaid, did wickedly, diabolically, felonioufly, and againſt the order of nature, carnally know, and a venereal affair in the fundament of the ſaid then and there had, and her the ſaid then and there wickedly, diabolically, felonioufly, and againſt the order of nature, in the ſaid fundament of her the ſaid then and there, did carnally know, and that ſodomitical, deteſtable, and abominable ſin called buggery (not to be named among Chriſtians) then and there with the ſaid wickedly, diabolically, felonioufly, and againſt the order of nature, committed and perpetrated; to the great diſpleaſure of Almighty God, and diſgrace of all human kind, againſt the peace of our ſaid lord the king, his crown and dignity, &c. and alſo againſt the form of the ſtatute in ſuch caſe made and provided.

Burglary.

Warrant to apprehend a burglar. See vol. 1, pag. 440—459.

Staffordshire. } *To the constable of*

WHEREAS of in the county of hath this day made information and complaint upon oath, before me esquire, one of his majesty's justices of the peace for the said county, that in the night, the dwelling-house of him the said at aforesaid, in the county aforesaid, was feloniously and burglariously broken open, and one silver tankard of the value of five pounds, of the goods and chattels of him the said feloniously and burglariously stolen, taken, and carried away from thence; and that he hath just cause to suspect, and doth suspect that late of in the county of the said felony and burglary did commit: These are therefore in his majesty's name to command you, that immediately upon sight hereof, you do apprehend the said and bring him before me to answer the premisses, and to be farther dealt with according to law. Herein fail you not. Given under my hand and seal the day of in the year

Indictment for burglary.

Staffordshire. } THE jurors for our lord the king, upon their oath, present, That late of in the county of on the day of in the year of the reign of at the hour of in the night of the same day, with force and arms, at in the county of the dwelling-house of feloniously and burglariously did break and enter, with intent him the said of his said goods, in the same dwelling-house then being, feloniously and burglariously to spoil and rob, and the same goods feloniously and burglariously to steal, take and carry away, against the peace of our said lord the king, his crown and dignity.

Indictment for burglary and larceny.

Staffordshire. } THE jurors for our lord the king, upon their oath, present, That of in the county of on the day of in the year of the reign of betwixt the hours of and in the night of the same day, with force and arms at in the county of the dwelling-house of feloniously and burglariously did break and enter, and of the value of of the goods and chattels of him the said in the same dwelling-house, then and there, feloniously and burglariously, did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity.

Butter and Cheese.

Licence of a badger of butter and cheese, on the Stat. 5 Eliz. c. 12. See vol. 1, pag. 100.

Staffordshire. } AT the general quarter-sessions of the peace, held at in and for the said county, this day of in the year of we esquires, justices of the peace for the said county, (one of whom is of the

quorum) have licensed, and by these presents do license and admit of in the said county, being upwards of thirty years of age, and being also a married man, [*or* a widower, *or* a man who hath been married,] and an housholder, and having been an inhabitant in the said county for three years last past, to be a common badger, lader, kidder, carrier, buyer, and transporter of butter, and cheese, for and during the space of one year from the date hereof, so as he do use and follow the said business according to the true intent and meaning of the statutes in that case made and provided against regrators, forestallers and ingrossers, and not otherwise. Given under our hands and seals

Condition of are cognizance, on the 5 Eliz. c. 12, sect. 6. See vol 1, p. 198.

——— That he shall not forestall or ingross, or do any thing contrary to the true meaning of the statutes made against regrators, forestallers, and ingrossers, or any thing therein contained.

Warrant to levy the forfeiture for mixing bad butter with good; on the Stat. 4 Will. & Mar. c. 7. See vol. 1, pag. 498.

Staffordshire. } *To the constable of*

WHEREAS of in the county aforesaid, hath been duly convicted before me esquire, one of his majesty's justices of the peace for the said county, upon oath, by of that he the said did mix in a firkin, bad butter with good, after the same was sold to of in the county aforesaid, and after the mark of the said was set on the said firkin, whereby he hath forfeited twenty shillings, to be equally divided between the poor of the parish of in aforesaid, where the said offence was committed, and the informer, according to the statute in that case made. These are therefore in his majesty's name to require and authorize you, to levy the said sum of twenty shillings, forfeited as aforesaid, by distress and sale of the goods of the said restoring to him the overplus, after the charges of taking the said distress shall be deducted. Given under my hand and seal the day of

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Buttons.

Warrant to levy the forfeiture for setting on cloth buttons; on stat. 4 Geo. 2, c. 7. See vol. 1, p. 515.

Staffordshire. } *To the constable of*

WHEREAS of in the county aforesaid, hath this day made oath before me esquire, one of his majesty's justices of the peace for the said county, that of your parish, taylor, hath lately made, or caused to be made, one cloth coat for with buttons or button-holes of cloth, serge, stuff, &c. contrary to the statute in that case made; whereby he hath forfeited forty shillings *per* dozen for the said

ſaid offence: Theſe are therefore, in his majeſty's name, to require and authorize you to demand and receive of the ſaid ſix pounds, being the ſum his forfeiture amounts to for three dozen of buttons ſet on the ſaid cloth coat, as aforeſaid; and if the ſame be not paid in fourteen days, that then you levy it by diſtreſs and ſale of his goods. One moiety you are to pay to the informer, and the other you are to apply to the uſe of the pariſh of aforeſaid. And if the ſaid hath not goods ſufficient to be diſtrained, then you are to convey him to your county gaol, and deliver him to the keeper thereof. And I do hereby command you the ſaid keeper, to keep the ſaid at hard labour in your ſaid gaol, for the ſpace of three months. Given under my hand and ſeal, this day of

Warrant to levy the penalty for wearing cloth buttons on clothes; on 7 Geo. 1, c. 12. See vol. 1, p. 518.

Staffordſhire. } *To the conſtable of*

WHEREAS information hath this day been made on oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by of in the ſaid county, that of your pariſh, gentleman, hath lately worn, and continues to wear, one cloth ſuit of clothes, with buttons made of cloth, contrary to the ſtatute in that caſe made; whereby he hath forfeited forty ſhillings *per* dozen for the ſaid offence: Theſe are therefore in his majeſty's name, to require and authorize you, to levy by diſtreſs and ſale of the goods of the ſaid the ſum of eight pounds, the penalty he hath forfeited for the ſaid offence, purſuant to the ſaid ſtatute, being after the rate of forty ſhillings *per* dozen for the buttons of the clothes ſo worn; one moiety whereof you are to pay to the ſaid the informer, on whoſe oath the ſaid was convicted of the ſaid offence; and the other moiety apply to the uſe of the poor of the ſaid pariſh of aforeſaid. Given under my hand and ſeal, this day of

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Cambricks.

Warrant to levy the penalty for wearing cambricks. See vol. 1, p. 521.

Staffordſhire. } *To the conſtable of*

WHEREAS was this day, on the information and oath of and on hearing what the ſaid had to ſay or offer on his behalf, duly convicted before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, for wearing on the day of this inſtant cambrick on his apparel; that is to ſay, cambrick ruffles on his ſhirt, contrary to the ſtatute in that caſe made and provided, whereby the ſaid has forfeited the ſum of of lawful money of *Great Britain*, which he has refuſed to pay: Theſe are therefore in his majeſty's name, to require and authorize you to levy the ſaid ſum of by diſtreſs and ſale of the goods and chattels of the ſaid rendering the overplus, if any, unto him the ſaid the charges of the ſaid diſtreſs and ſale being firſt deducted; and you are to pay the ſaid five pounds, when levied, unto the ſaid who informed me of the ſaid offence. Given under my hand and ſeal, the day of

Carriers.

Warrant to levy the forfeiture for taking more for the carriage of goods than the rates aſſeſſed by the juſtices; on the ſtat. 3 Will. and Mar. c. 12. See vol. 1, p. 554.

Staffordſhire. } *To the conſtable of*

WHEREAS it hath been duly proved before us and , eſquires, two of his majeſty's juſtices of the peace for the county aforeſaid, that of in the ſaid county, carrier, hath taken from of the ſum of for the carriage of from thence to *London*, weighing being after the rate of *per* hundred, which is *per* hundred more than the price limited and aſſeſſed by the juſtices of peace for the ſaid county, in their laſt *Eaſter* ſeſſions, for carriage of goods: Theſe are therefore in his majeſty's name, to require and authorize you to levy the ſum of five pounds on the goods and chattels of the ſaid by diſtreſs and ſale thereof, which he hath forfeited by the offence aforeſaid; and that you do pay the ſame when levied, to the ſaid who is the party grieved. Given under our hands and ſeals, the day of

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Certiorari.

The return of a certiorari. See vol. 1, p. 575—587.

Firſt, on the back of this writ indorſe theſe, or the like words:

The execution of this writ appears in a ſchedule to the ſame writ annexed.

And the ſchedule may be thus:

Staffordſhire. } I eſquire, one of the keepers of the peace, and juſtices of our lord the king, aſſigned to keep the peace within the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors, in the ſame county committed, by virtue of this writ to me delivered, do under my ſeal, certify unto his majeſty in the court of *King's Bench*, the indictment, of which mention is made in the ſaid writ, together with all matters touching the ſame indictment. In witneſs whereof, I the ſaid have to theſe preſents ſet my ſeal. Given at in the ſaid county, the day of in the year of the reign of

Then take the record of the indictment, and incloſe it in the ſchedule, and ſeal, and ſend it up, together with the certiorari.

Cheat.

Warrant of two juſtices to apprehend an offender; *on* 33 Hen. 8, c. 1. See vol. 1, p. 588.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made unto us, whoſe names and ſeals are hereunto ſet, two of his majeſty's juſtices of the peace for the ſaid county, and one of us of the quorum, upon the oath of *A. B.* of yeoman, and *C. D.* of yeoman, that on the day of *E. F.* of yeoman, did by a falſe privy token, or counterfeit letter, that is to ſay, by [*here particularize the offence*] falſely and deceitfully obtain, and get into his hands and poſſeſſion [*here mention the things*] from of contrary to the ſtatute in that caſe made and provided: Theſe are therefore to command you, upon ſight hereof, forthwith to bring the ſaid *E. F.* before us, at on the day of to anſwer to the ſaid complaint, and farther to be dealt withal according to law. Given under our hands and ſeals the day of

Warrant to apprehend an offender; *on* 30 Geo. 2, c. 24, ſect. 1. See vol. 1, p. 590.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of of that on the day of *A. B.* of did knowingly and deſignedly, by falſe pretences, that is to ſay, by [*here mention the offence*] obtain and get into his hands and poſſeſſion [*here mention the things*] from the ſaid contrary to the ſtatute in that caſe made. Theſe are therefore in his majeſty's name to command you, upon ſight hereof, forthwith to bring the ſaid before me, to anſwer the ſaid complaint, and farther to be dealt with according to law. Given under my hand and ſeal the day of

Commitment on the foregoing warrant.

Staffordſhire. } —— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of the common gaol at in the ſaid county, or to his deputy there: Theſe are in his majeſty's name to charge and command you, that you receive into your ſaid gaol the body of of taken by conſtable of in the ſaid county, and by him brought before me for [*here particularize the offence*] and that you ſafely keep the ſaid until he ſhall thence be delivered by due courſe of law. And hereof fail you not. Given under my hand and ſeal the day of

Warrant to receive the penalty for pawning goods without authority; *on* ſtat. 30 Geo. 2, c. 24, ſect. 3. See vol. 1, p. 592.

Staffordſhire. } *To the conſtable of and the keeper of the houſe of correction, at*

WHEREAS it hath been duly proved before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of that of did on the day of knowingly and deſignedly pawn [*here particularize the goods*] of

of and belonging to not being authorized by the ſaid ſo to do, contrary to the ſtatute in that caſe made and provided: Theſe are therefore to require you forthwith to demand of the ſaid the ſaid ſum of twenty ſhillings; and if the ſame be not forthwith paid, you are to commit the ſaid to the houſe of correction, at And I do hereby command you the keeper of the ſaid houſe of correction, to detain and keep the ſaid to hard labour for the ſpace of fourteen days, unleſs the ſaid forfeiture of twenty ſhillings ſhall be ſooner paid.

Warrant to receive the penalty from a pawnbroker for not making an entry of goods pawned, and giving a copy or duplicate thereof; on ſtat. 30 Geo. 2, c. 24, ſect. 4. See vol. 1, p. 592.

Staffordſhire. } *To the conſtable of*

WHEREAS it hath been duly proved this day before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of that of in the ſaid county, pawnbroker, did on the day of take [*here particularize the goods*] by way of pawn, without entering, or cauſing to be entered, a deſcription of ſuch goods, and the ſum advanced thereon, the day and year, &c. contrary to the ſtatute in ſuch caſe made and provided; by which he hath forfeited the ſum of five pounds, to be diſpoſed of as is herein after mentioned: Theſe are therefore in his majeſty's name to command you the ſaid conſtable, to demand and receive of and from the ſaid the ſaid ſum of five pounds, to the uſe of the poor; and if he ſhall refuſe or neglect to pay the ſame, that you make a return to me of ſuch his refuſal or neglect, and of this warrant. Given under my hand and ſeal at in the ſaid county, the day of

Warrant to levy the penalty from a pawnbroker, on non-payment of the penalty in the foregoing precedent.

Staffordſhire. } *To the conſtable of in the ſaid county.*

WHEREAS of in the county aforeſaid, was on the day of convicted before me one of his majeſty's juſtices of the peace for the ſaid county, for that he the ſaid did on the day of take [*here mention the offence*] by which he hath forfeited the ſum of five pounds; and whereas I the ſaid did iſſue my warrant on the day of to the conſtable of to demand and receive the ſaid ſum of five pounds of and from the ſaid and whereas it duly appears to me, on the return and oath of the ſaid conſtable, that he the ſaid conſtable did on the day of duly demand the ſaid ſum of five pounds of and from the ſaid but that he the ſaid hath neglected to pay the ſame as aforeſaid, and that it is not as yet paid. Theſe are therefore to command you forthwith to levy the ſaid ſum, by diſtraining the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges for taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods, ſo by you diſtrained as aforeſaid, and out of the money ariſing by ſuch ſale, that you do pay the ſaid ſum of five pounds to the overſeers of the poor of the pariſh of where the ſaid offence was committed, for the uſe of the poor of the ſaid pariſh, rendering to him the ſaid the overplus on demand; the neceſſary charges of taking, keeping, and ſelling the ſaid diſtreſs, being firſt deducted. Given under my hand and ſeal this day of

Order

Order of a juſtice when the goods are rendered of leſs value than they were at the time of pawning them; on ſtat. 30 Geo. 2, c. 24, ſect. 5. See vol. 1, p. 593.

Staffordſhire. } WHEREAS complaint hath been made unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of of in the ſaid county, that he the ſaid did on the day of pawn with of in the ſaid county, pawnbroker, the following goods, to wit, [*here particularize the goods*] and whereas it is proved to my ſatisfaction, upon oath, that the ſaid goods ſo pawned are rendered of leſs value than the ſame were at the time of pawning thereof, through the default of the ſaid to whom the ſaid goods were ſo pawned; I do therefore hereby award the ſum of to the ſaid the owner of the ſaid goods, *in reſpect* of the ſaid damage; and I do hereby direct that the ſaid ſum of ſhall be deducted out of the principal and intereſt, and allowance for warehouſe room, which ſhall appear to be due to the ſaid to whom the ſaid goods were ſo pawned. Given under my hand and ſeal this day of

Warrant of diſtreſs for taking in as a pledge linen intruſted to another to be waſhed; on ſtat. 30 Geo. 2, c. 24, ſect. 6. See vol. 1, p. 594.

Staffordſhire. } *To the conſtable of*

WHEREAS hath been this day convicted before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of for knowingly taking in as a pledge, linen, that is to ſay, [*here particularize the goods*] belonging to contrary to the ſtatute in that caſe made, whereby the ſaid hath forfeited the ſum of being double the ſum for which the ſaid goods were pawned: Theſe are therefore in his majeſty's name to command you to levy the ſaid ſum of by diſtreſs of the goods and chattels of him the ſaid And if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid; that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, that you do pay the ſaid ſum of to the overſeers of the poor of the pariſh of in the ſaid county, rendering the overplus (if any ſhall be) on demand unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted. Herein fail you not. Given under my hand and ſeal, the day of in the year of our Lord

Mittimus for ſuſpicion of ſtealing goods offered to be pawned; on ſtat. 30 Geo 2, c. 24, ſect. 7. See vol. 1, p. 594.

Staffordſhire. } ——— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of the common gaol, at in the ſaid county, or to his deputy there: Theſe are in his majeſty's name to charge and command you, that you receive into your ſaid gaol, the body of ſeized and detained by and by conſtable of brought before me, on ſuſpicion of having ſtolen and that you ſafely keep the ſaid in your ſaid gaol, until he ſhall be thence delivered by due courſe of law, or in order to be farther examined. Given under my hand and ſeal, this day of

Warrant to ſearch for goods pawned; on ſtat. 30 Geo. 2, c. 24, ſect. 9.
See vol. 1, p. 595.

Staffordſhire. } *To the conſtable of*

WHEREAS of hath this day made oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that he the ſaid hath lately had his goods, that is to ſay [*here particularize the goods*] ſtolen from him, and that there is juſt cauſe to ſuſpect that of in the ſaid county, hath knowingly and unlawfully taken to pawn, or by way of pledge, the ſaid goods, without the privity or authority of the ſaid and whereas the ſaid hath made appear, to my ſatisfaction, probable grounds for ſuch his ſuſpicion: Theſe are therefore in his majeſty's name to require and authorize you to make diligent ſearch in the day time in the houſe [*or* warehouſe] of the ſaid for the ſaid goods; and if the ſaid ſhall on your requeſt refuſe to open and permit the ſaid houſe [*or* warehouſe] to be ſearched, you are hereby authorized to break open the ſaid houſe [*or* warehouſe] to ſearch for the ſaid goods, doing no wilful damage. Given under my hand and ſeal, this day of

Summons to ſhew cauſe why the penalty of five pounds ſhould not be levied for hindering a conſtable from ſearching according to the foregoing warrant.

Staffordſhire, *to wit.* } Mr.

THESE are in his majeſty's name to require you to appear before me one of his majeſty's juſtices of the peace for the ſaid county, at on the day of at of the clock in the noon, to ſhew cauſe why you ſhould not forfeit the ſum of five pounds for hindering conſtable of from ſearching your houſe [*or* warehouſe] for goods, which you have knowingly and unlawfully, as it is ſaid, taken in pawn without the authority of the owner of them. Hereof fail not at your peril. Given under my hand and ſeal this day of

Warrant to receive the penalty mentioned in the foregoing ſummons.

Staffordſhire. } *To the conſtable of*

WHEREAS of was this day convicted before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of for hindering conſtable of from ſearching his the ſaid houſe [*or* warehouſe] for goods which he the ſaid hath taken in pawn, without the privity or authority of the owner of the ſaid goods; whereby he the ſaid hath forfeited the ſum of five pounds, according to the ſtatute in that caſe made: Theſe are therefore to require you the ſaid conſtable to demand of the ſaid the ſaid ſum of five pounds, and if the ſame ſhall not immediately be paid down, or within the ſpace of twenty-four hours, that you certify the ſame to me, together with the return of this precept. Given under my hand and ſeal this day of

Commitment upon the foregoing warrant.

Staffordſhire. } *To the conſtable of and to the keeper of the houſe of correction at :*

WHEREAS it hath been duly proved before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of did on the day of hinder conſtable of from ſearching his the ſaid houſe or warehouſe for goods.

goods, which he the ſaid hath knowingly taken in pawn without the authority of the owner of the ſaid goods; by reaſon whereof he hath forfeited the ſum of five pounds to the uſe of the poor: And whereas on the day of I did by my warrant require conſtable of to demand of the ſaid the ſaid ſum of five pounds, but he the ſaid hath neglected to pay the ſame within the ſpace of twenty-four hours, and that it is not as yet paid: Theſe are therefore to require you the ſaid conſtable to apprehend the ſaid and deliver him to the keeper of the houſe of correction at and I do hereby command you the ſaid keeper to keep the ſaid to hard labour for the ſpace of unleſs in the mean time the ſaid forfeiture ſhall be paid, which forfeiture ſhall go to the poor. Given under my hand and ſeal this day of

Order of a juſtice to deliver goods pawned to the pawner; on ſtat. 30 Geo. 2, c. 24, ſect. 10. See vol. 1, p. 596.

Staffordſhire. } *Mr.* *in*

WHEREAS complaint and information upon oath hath been made unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, did on the day of pawn the following goods, viz. [*here particularize the goods*] with you the ſaid for the ſum of [*not to exceed ten pounds*] and that the ſaid who pawned and is the real owner of the ſaid goods, did on the day of tender to you the ſaid the principal money borrowed on the ſaid goods, and all the intereſt due for the ſame, together with ſuch charges for warehouſe-room, as was agreed on at the time of pawning the ſame; and that you the ſaid refuſed to deliver back the ſaid goods to the ſaid and to accept of the ſaid principal, intereſt, and charges for warehouſe-room: Now I do hereby order and direct you the ſaid forthwith to deliver the ſaid goods to the ſaid and hereof fail not. Given under my hand and ſeal, this day of

Summons to ſhew cauſe, &c. upon diſobeying the foregoing order.

Staffordſhire, } *Mr.*
to wit. }

THESE are in his majeſty's name to require you to appear before me one of his majeſty's juſtices of the peace for the ſaid county, at on the day of at of the clock in the noon, to ſhew cauſe why you ſhould not be committed to the houſe of correction for not delivering back unto goods, viz. [*here mention them*] which he the ſaid pawned with you; he the ſaid having, as it is ſaid, tendered to you the principal money borrowed upon the ſaid goods, and all intereſt due for the ſame, together with ſuch charges of warehouſe-room, as was agreed on at the time of pawning the ſame: Hereof fail not at your peril. Given under my hand and ſeal, this day of

Commitment to the houſe of correction for diſobeying the foregoing order.

Staffordſhire. } *To the conſtable of and to the keeper of the houſe of correction at*

WHEREAS it hath been duly proved before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, did on the day of pawn the following goods, viz. [*here particu-*

larize the goods] with of in the ſaid county, pawnbroker, for the ſum of and that the ſaid who pawned and is the real owner of the ſaid goods, did on the day of tender to him the ſaid the principal money borrowed on the ſaid goods, and all intereſt due for the ſame, together with ſuch charges for warehouſe-room, as was agreed on at the time of pawning the ſame; and that the ſaid refuſed to deliver back the ſaid goods to the ſaid and to accept of the ſaid principal, intereſt, and charges for warehouſe-room: And whereas on the day of I did by my order direct the ſaid forthwith to deliver the ſaid goods to the ſaid but he the ſaid hath neglected ſo to do: Theſe are therefore to require you the ſaid conſtable to apprehend the ſaid and deliver him to the keeper of the houſe of correction, at And I do hereby command you the ſaid keeper to keep the ſaid in your cuſtody until he ſhall deliver up the ſaid goods, or make ſatisfaction for the value thereof to the ſaid Given under my hand and ſeal this day of

Summons to give evidence; on ſtat. 30 Geo. 2, c. 24, ſect. 16. See vol. 1, p. 600.

Staffordſhire. } *To Mr.*

WHEREAS it appears to me one of his majeſty's juſtices of the peace for the ſaid county, upon oath, that you can give material evidence in a cauſe depending before me, between pawnbroker, and on the behalf of the ſaid Theſe are therefore in his majeſty's name to require you to appear before me on the day of at of the clock in the noon, to give your evidence in the matter aforeſaid; and hereof fail not, at your peril. Given under my hand and ſeal this day of

Warrant for diſobeying the preceding ſummons.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made upon oath unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, could give material evidence in a cauſe depending before me between pawnbroker, and on the behalf of the ſaid And whereas I did by my ſummons, dated the day of require the ſaid to appear before me, on the day of at of the clock in the noon, to give his evidence in the matter aforeſaid; and whereas the ſaid hath not appeared at the time aforeſaid, nor ſince; and whereas it appears to me upon oath that the ſaid ſummons hath been duly ſerved upon him the ſaid Theſe are therefore in his majeſty's name to command you to bring the ſaid before me to be examined as aforeſaid; and hereof fail not. Given under my hand and ſeal, this day of

Mittimus for refuſing to give evidence before a juſtice, according to the foregoing warrant.

Staffordſhire. } ——eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of the common gaol at in the ſaid county, or to his deputy there: Theſe are in his majeſty's name to charge and command you that you receive into your ſaid gaol the body of brought before me by conſtable of to give evidence in a cauſe depending before me, between pawnbroker, and for that he the ſaid on his appearance before me refuſed to be examined upon oath, without offering juſt cauſe for ſuch refuſal, and that you keep and detain the ſaid in your ſaid priſon for the ſpace of [*not to exceed three months.*] Given under my hand and ſeal, this day of

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Church and Church-yard.

Indictment for striking with a weapon in the church-yard.

Staffordshire, to wit. } THE jurors of our sovereign lord the king, upon their oath, present, That of on the day of in the year of with force and arms did maliciously draw his sword in the church-yard of the parish church of in the county aforesaid, upon one of and with the said sword then and there did strike the said in the church-yard aforesaid, against the peace of our said sovereign lord the king, his crown and dignity, and contrary to the form of the statute in such case made and provided.

Clerk of the Peace.

Appointment of a clerk of the peace; on the 37 Hen. 8, c. 1, *and* 1 Will. & Mar. c. 21. See vol. 1, pag. 633—635.

WHEREAS the office of clerk of the peace for the county of is now void by the death of late clerk of the peace for the said county: Know all men by these presents that I *custos rotulorum* of the county aforesaid, do hereby nominate, elect, appoint, and assign an able and sufficient person, instructed and learned in the laws of *England*, and residing in the said county, to be clerk of the peace for the said county, to hold, execute, and enjoy the office of clerk of the peace for the county aforesaid, by himself or his sufficient deputy, and to take and receive the fees, profits, and perquisites thereof, so long as he shall well, justly, and honestly demean himself in his said office. In witness whereof I the said have hereunto set my hand and seal the day of in the year of

Clocks and Watches.

Summons for a person for pawning watches; on the Stat. 27 Geo. 2, c. 7. See vol. 1, pag. 639.

Staffordshire. } *To the constable of in the said county.*

WHEREAS information and complaint have been made unto me esquire, one of his majesty's justices of the peace for the said county, upon the oath of of watchmaker, that of in the said county of was employed

employed by the ſaid to finiſh watches, and that he the ſaid did deliver unto the ſaid the ſaid watches for the purpoſe aforeſaid; but that he the ſaid did pawn [*or as the caſe ſhall be*] the ſaid watches, contrary to the ſtatute in that caſe made and provided, whereby the ſaid hath forfeited the ſum of twenty pounds: Theſe are therefore to command you forthwith to ſummon the ſaid to appear before me at in the ſaid county, on the day of the preſent month of at the hour of in the noon of the ſame day, to ſhew cauſe why he hath not forfeited the ſaid ſum of twenty pounds: And be you then there to certify what you ſhall have done in the premiſſes. Given under my hand and ſeal the day of in the year of the reign of

Warrant to apprehend a perſon for pawning watches.

Staffordſhire, } *To the conſtable of*

WHEREAS, [*as the foregoing precedent, to the words twenty pounds*] And whereas the ſaid hath been duly ſummoned to appear before me, to ſhew cauſe why he hath not forfeited the ſaid ſum of twenty pounds, but the ſaid hath neglected to appear accordingly: Theſe are therefore to command you forthwith, to bring the ſaid before me, to anſwer unto the ſaid complaint, and to be further dealt with according to law. Given under my hand and ſeal the day of

Commitment thereupon to the houſe of correction.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction at in the ſaid county.*

WHEREAS information and complaint have been made [*the ſame as before, reciting the complaint*] And whereas in purſuance of the ſtatute in that caſe made and provided, I have duly examined the proofs and allegations of both the ſaid parties, touching the matter of the ſaid complaint; and upon due conſideration had thereof, have adjudged and determined, and do hereby adjudge and determine the ſaid complaint to be true: Theſe are therefore to command you the ſaid conſtable, forthwith to convey the ſaid to the ſaid houſe of correction at aforeſaid, and to deliver him to the keeper thereof, together with this warrant; and I do hereby command you the ſaid keeper to receive the ſaid into your cuſtody in the ſaid houſe of correction, there to remain and be corrected, and held to hard labour for the ſpace of fourteen days, unleſs the ſaid forfeiture ſhall be ſooner paid.

Coals and Coal-pits.

Warrant to apprehend a perſon for ſetting fire to a coal-mine; on the Stat. 10 Geo. 2, c. 32, ſect. 6. See vol 1, pag. 643.

Staffordſhire. } *To the conſtable of*

WHEREAS of in the ſaid county, hath this day made information and complaint upon oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, did on the day of wilfully

wilfully and malicioufly ſet on fire, a mine of coal at in the ſaid county, contrary to the ſtatute in that caſe made and provided. Theſe are therefore in his majeſty's name to command you forthwith to apprehend him the ſaid and to bring him before me, to anſwer to the ſaid information and complaint, and to be further dealt with according to law. Given under my hand and ſeal the day of

Commitment on the preceding warrant.

Staffordſhire. } ——— *eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of*

I Send you herewith the body of late of in the ſaid county brought before me this preſent day, and charged upon the oath of with having wilfully and malicioufly ſet on fire a mine of coal at in the ſaid county: Theſe are, in the behalf of our ſaid lord the king, to command you, that immediately you receive the ſaid and him ſafely keep in your ſaid gaol until he ſhall thence be delivered by due courſe of law. Hereof fail not at your peril. Given under my hand and ſeal at the day of

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Coin.

Information againſt a perſon for coining. See vol. 1, p. 648—669.

Staffordſhire, to wit. } *The information of of in the ſaid county taken upon oath before me eſquire, one of his majeſty's juſtices of the peace for the county aforeſaid, the day of*

THIS informant, on his oath, depoſeth and ſaith, That on the day of laſt paſt, in the houſe of ſituate at in the county aforeſaid of the pariſh of aforeſaid, ſilverſmith, had in his poſſeſſion, divers moulds and tools made uſe of in the clipping and coining of money, and that he this informant ſaw the ſaid coin ſilver ſhillings, and ſilver ſixpences, in imitation of the king's coin; and farther that he ſaw the ſaid offer ſhillings thereof, in payment to of in the ſaid county at aforeſaid, who refuſed the ſame, as juſtly fearing they were counterfeited.

Sworn the day and year aforeſaid, before me.

Staffordſhire, to wit. } *To the conſtable of*

WHEREAS of in the county aforeſaid hath this day made oath before me eſquire, one of his majeſty's juſtices of the peace for the county aforeſaid, that on the day of laſt of the pariſh of aforeſaid, did coin ſeveral pieces of money, to wit, ſilver ſhillings and ſilver ſix-pences, at the houſe of ſituate in aforeſaid, in imitation of the king's coin, contrary to law. Theſe are therefore in his majeſty's name to require and authorize you to apprehend

apprehend the ſaid and to bring him forthwith before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be examined in the premiſſes, and to be dealt with according to law. Given under my hand and ſeal this day of

Examination of a perſon apprehended for coining.

Staffordſhire, to wit. } THE examination of in the ſaid county, taken before me eſquire, one of his majeſty's, juſtices of the peace for the county aforeſaid, the day of in the year of the reign of king *George* the third, and in the year of our Lord 17 The ſaid examinant, being duly examined, ſaith, that as to what he is charged with by of in the county aforeſaid, relating to the coining of money, he knoweth nothing thereof, but is entirely innocent, though he confeſſeth, that on the day of laſt, he was at the houſe of in aforeſaid, as ſet forth in the ſaid 's information, and that he was handling of money, and holding two or three ſhillings near the candle, to diſcover whether the ſame were good or not, it being money he received that evening by candle-light; but that he coined any ſhillings or ſixpences, or any other money, or uſed any moulds or tools for coining money, as the ſaid depoſes, he denies the ſame, or that he ever had any hand in ſuch act.

Taken by me the day and year aforeſaid. }

Warrant to apprehend a perſon for coining of money and to ſeize his inſtruments, &c.

Staffordſhire, to wit. } *To the conſtable of*

WHEREAS of aforeſaid hath this day made oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that on at the houſe of ſituate in aforeſaid, he being in the next room in a private ſhop or warehouſe of the ſaid who is by trade a ſilverſmith, through a hole or cranny in the partition, wall or door, he ſaw the ſaid buſy with many tools and inſtruments, in making and moulding ſome white pieces of a round form, and about the ſize of ſhillings and half-crowns, which he took to be the coining of money: Theſe are therefore in his majeſty's name to require and authorize you to apprehend the ſaid and ſeize the tools and inſtruments, and money which you can find in the ſhop or houſe of him the ſaid and that you do bring him, together with the ſaid tools and inſtruments, and money, if any ſuch you can find, before me or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be examined concerning the premiſſes, and to be dealt with according to law. Given under my hand and ſeal this day of

An indictment of high treaſon for coining ſhillings.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county and late of the ſame not having the fear of God before their eyes, nor weighing the duty of their allegiance, but being moved and ſeduced by the inſtigation of the devil, and contriving and intending our ſaid lord the king and all his people, craftily, falſely, deceitfully, felonioufly and traiterouſly to deceive and defraud, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great-Britain*, &c. with force and arms at the pariſh aforeſaid, in the county aforeſaid,

aforeſaid, twenty pieces of falſe, feigned, and counterfeit money and coin of pewter, lead, tin, and other mixed metals, to the likeneſs and ſimilitude of the good, legal, and current money and ſilver coin of our ſaid lord the king of this realm, called ſhillings, then and there falſely, deceitfully, felonioufly and traitorouſly, did forge, counterfeit, and coin, againſt the duty of their allegiance, againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in that caſe made and provided.

Indictment of high-treaſon for having goods or tools for coining in their cuſtody.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county, and late of the ſame not being perſons employed, nor any one of them a perſon employed in or for the mint or mints of our ſaid lord the king, in the tower of *London*, or elſewhere, and for the uſe and ſervice of the ſaid mints only, nor being perſons lawfully authorized, nor any one of them lawfully authorized by the lord high treaſurer of *Great Britain*, or lords commiſſioners of the treaſury of our ſaid lord the king, and not having the fear of God before their eyes, but being moved and ſeduced by the inſtigation of the devil, after the fifteenth day of *May*, in the year of our Lord 1697, to wit, the day of in the year of the ſovereign lord *George* the third, now king of *Great-Britain*, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, one pair of moulds of upon which then and there were made and impreſſed the figure, reſemblance and ſimilitude of the ſides of the lawful ſilver coin of this kingdom called ſixpences; each of which ſaid moulds, would then make and impreſs the figure, reſemblance and ſimilitude of one of the ſides of the lawful ſilver coin of this kingdom called ſixpences, without any lawful authority or ſufficient excuſe for that purpoſe, knowingly and traiterouſly had in the cuſtody and poſſeſſion of them the ſaid and in the dwelling-houſe of ſituate at the pariſh aforeſaid, in the county of *Stafford* aforeſaid, againſt the duty of their allegiance, againſt the peace of our ſaid lord the king, his crown and dignity, and alſo againſt the form of the ſtatute in that caſe made and provided.

Commitment.

Form of a commitment or mittimus for felony. See vol. 1, p. 669—676.

Staffordſhire. } ———, eſquire, one of the juſtices of our lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed; To the keeper of the gaol of our ſaid lord the king, at in the ſaid county, or to his deputy there, and to each of them, greeting: Whereas of in the ſaid county of hath been arreſted by the conſtable of in the ſaid county of for felony, in ſtealing of the value of the property of in the ſaid county

Therefore, on the behalf of our ſaid lord the king, I command you, and each of you, that you, or one of you receive the ſaid into your cuſtody in the ſaid gaol, there to remain till he ſhall be delivered out of your cuſtody by due courſe of law. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of our ſaid lord

Another form of a commitment.

Staffordſhire. } —— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of I ſend you herewith the body of of brought before me this preſent day, and charged with the felonious taking and carrying away the property of which alſo he hath confeſſed upon his examination before me: Theſe are therefore in his majeſty's name, to command you, that immediately you receive the ſaid and him ſafely keep in your ſaid gaol, until he be thence delivered by due courſe of law. Hereof fail you not. Given under my hand and ſeal, at &c.

Another form.

Staffordſhire. } —— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of in the ſaid county, or to his deputy there: Theſe are in his majeſty's name, to charge and command you, that you receive into your ſaid gaol, the body of late of in the ſaid county, taken by conſtable of in the ſaid county, and by him brought before me for ſuſpicion of felony; that is to ſay, for ſtealing the property of and that you ſafely keep the ſaid in your ſaid gaol, until he ſhall be thence delivered by due courſe of law. Hereof fail you not. Given under my hand and ſeal, at the day of

Another form.

Staffordſhire. } *To the keeper of*

RECEIVE into your cuſtody the body of herewith ſent you, brought before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by conſtable of and charged upon the oath of on a violent ſuſpicion of having been concerned with and others in divers felonies, and particularly for taking from the perſon of the ſaid the ſum of of lawful money of this kingdom; and for further examination, him ſafely keep in your cuſtody, until he ſhall be diſcharged by due courſe of law. Given under my hand and ſeal, this day of

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Common-Prayer.

Summons for an incumbent for not reading prayers purſuant to the ſtat. 13 & 14 Car. 2, c. 4, ſect. 7. See vol. 1, p. 681.

Staffordſhire, } *Sir,*
to wit, }

THESE are in his majeſty's name to command you, to appear before us, eſquire, and eſquire, two of his majeſty's juſtices of the peace for the ſaid county, to ſhew cauſe why you ſhould not forfeit five pounds for not openly and publickly reading, as it is ſaid, the Common-prayer within one month laſt paſt, according to the ſtatute in that caſe made and provided. And herein fail not. Given under our hands and ſeals, this day of

Warrant

Warrant to receive and levy the penalty mentioned in the foregoing Summons.

Staffordſhire. } *To the churchwardens of the pariſh of in the ſaid county.*

WHEREAS complaint and information have been made unto us eſquire, and eſquire, two of his majeſty's juſtices of the peace for the ſaid county, upon the oaths of and that the reverend Mr. incumbent of the pariſh of in the ſaid county, hath not within the month of laſt paſt, openly and publickly read the Common-prayer, purſuant to the ſtatute in that caſe made, whereby the ſaid hath forfeited the ſum of five pounds; and whereas the ſaid hath been duly ſummoned to appear before us to anſwer the ſaid complaint, but the ſaid hath neglected ſo to do: Theſe are therefore in his majeſty's name to require and authorize you, to demand and receive the ſaid ſum of five pounds from the ſaid and in default of payment in ten days, to levy the ſame of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained; and out of the money ariſing by ſuch ſale, to retain five pounds for the uſe of the poor of the ſaid pariſh, rendering the overplus, if any ſhall be, on demand, unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs, being firſt deducted. Given under our hands and ſeals, this day of

Conſpiracy.

Indictment for conſpiring that one man ſhould rob the other, with intent to charge the hundred. See vol. 1, p. 683—695.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of and late of deviſing and intending, unjuſtly to oppreſs and aggrieve divers ſubjects of our ſaid lord the king within this realm, and wrongfully to charge them with the payment of great ſums of money, to the amount of pounds and upwards, on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. at the pariſh of in the ſaid county of *Stafford*, did conſpire, combine, and agree together, that he the ſaid ſhould, in or near the king's highway there, take from the perſon of the ſaid the ſum of and a watch, and that the ſaid ſhould make oath before ſome juſtice of the peace of the ſaid pretended robbery; and the ſaid in purſuance of the ſaid conſpiracy, combination and agreement, did afterwards, to wit, on the ſame day and year above mentioned, at in the county of *Stafford* aforeſaid, make and give information in writing, upon oath, before eſquire, then, and yet one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county of *Stafford*, and alſo to hear and determine divers felonies, treſpaſſes and other miſdeeds committed within the ſame county, that about ten of the clock in the forenoon of that day, he was aſſaulted in the highway, leading from in the ſaid county of *Stafford*, to in the ſaid county, near a place called in the pariſh of in the hundred of in the ſaid county of by a tall luſty man, wearing a dark brown

wig, and brown coat, mounted on a black horſe, or mare, about hands high and was by him robbed in the highway aforeſaid, of the ſum of pounds and a watch; and that he did not at the time of the ſaid robbery, nor then, know the perſon who committed the ſaid fact, with the fraudulent and wicked intent and purpoſe, to charge the inhabitants of the ſaid hundred with the payment of the ſaid ſum of pounds, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, That the ſaid and deviſing and intending unjuſtly to oppreſs and aggrieve divers ſubjects of our ſaid lord the king within this realm, and wrongfully to charge them with the payment of great ſums of money, to the amount of pounds and upwards, on the ſaid day of in the year aforeſaid, in the county of aforeſaid, did conſpire, combine, and agree together, that he the ſaid ſhould, in or near the king's highway there, take from the perſon of the ſaid the ſum of pounds and a watch; and the ſaid in purſuance of the ſaid conſpiracy, combination, and agreement, afterwards, to wit, the ſame day and year, at the pariſh of aforeſaid, in the hundred of in the ſaid county of *Stafford*, did take from the perſon of the ſaid the ſum of pounds, and a watch, with the fraudulent and wicked intent and purpoſe to charge the inhabitants of the ſaid hundred with the payment of the ſaid ſum of pounds, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, That the ſaid on the ſaid day of in the year aforeſaid, at the ſaid pariſh of within the ſaid hundred of in the ſaid county of fraudulently, wickedly, and deceitfully, did cauſe and procure the ſaid to take from the perſon of him the ſaid the ſum of pounds, and a watch, with the fraudulent and wicked intent and purpoſe to charge the inhabitants of the ſaid hundred with the payment of the ſaid ſum of pounds, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for a conſpiracy to charge a man with committing ſodomy with one of the conſpirators, and thereby obtaining money under a pretence of concealing the ſame, and deſiſting from all proſecutions.

Staffordſhire. } THE jurors of our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford*, labourer, of the ſame, labourer, and late of the ſame being perſons of ill name and fame, and diſhoneſt converſation, and contriving and intending one not only of his good name, credit, and reputation, wholly to deprive, but alſo to obtain and get to themſelves of and from the ſaid divers ſums of money, on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. at the ſaid pariſh of in the ſaid county of *Stafford*, among themſelves did conſpire, combine and agree, falſely to charge and accuſe the ſaid that he the ſaid then, lately before, had committed the crime of ſodomy, commonly called buggery, with him the ſaid And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid and afterwards, to wit, on the ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, according to the conſpiracy, combination, and agreement between them as aforeſaid, falſely, unlawfully, and wickedly, did charge and accuſe the ſaid that he the ſaid then lately before had committed the crime of ſodomy, commonly called buggery, with him the ſaid whereas, in truth, and in fact, the ſaid was never guilty of the ſaid crime, or of any crime of the like nature; and that he the ſaid and in purſuance of, and according to the conſpiracy, combination, and agreement aforeſaid, between them as aforeſaid, afterwards, to wit, on the

ſaid

ſaid day of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, unlawfully, wickedly, and unjuſtly, did obtain, acquire, and get into their hands and poſſeſſion, the ſum of five pounds of lawful money of *Great Britain*, of the monies of the ſaid of and from the ſaid under the aforeſaid falſe colour and pretence; and alſo under colour and pretence of concealing the ſaid ſuppoſed crime, and for not proſecuting the ſaid for the ſame, to the great damage of the ſaid to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity: And the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid and on the ſaid day of in the ſaid year of the reign of our ſaid lord the king, at the pariſh of in the ſaid county of *Stafford*, wickedly, unlawfully, and for lucre and gain ſake, did threaten the ſaid that unleſs he the ſaid would give them the ſaid and five pounds, they the ſaid and would ſwear ſodomy, meaning the deteſtable crime of ſodomy, called buggery, againſt him the ſaid whereas, in truth, and in fact, the ſaid was never guilty of the crime of ſodomy, or of any ſuch crime; and the ſaid and afterwards, to wit, the ſame day and year, at the pariſh aforeſaid, in the county aforeſaid, by means of the threatening aforeſaid, unlawfully, wickedly, and injuriouſly, did obtain, acquire, and get to themſelves, of and from the ſaid five pounds of lawful money of *Great Britain*, of the monies of the ſaid to the great damage of the ſaid to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Conſtable.

Indictment for not taking the office of conſtable. See vol. 1, p. 695—705.

THE jurors for our lord the king, upon their oath, preſent, That late of in the townſhip of in the ſaid county, yeoman, on the day of in the year of the reign of and long before, and always after, until the day of the preferring of this indictment, was and is an inhabitant, and reſiding within the townſhip of aforeſaid, in the county aforeſaid, and an able perſon to ſerve the office of conſtable for the ſame townſhip; and he the ſaid on the ſaid day of in the year aforeſaid, in the townſhip aforeſaid, at the court-leet of lord of the manor of aforeſaid, holden before gentleman, ſteward of the ſaid court, by the ſuitors of the ſaid court, was elected and choſen, according to the ancient cuſtom of chooſing conſtables for the ſaid townſhip, for one year from thence next following, to do and execute all and ſingular thoſe things which belong to the office of conſtable; [*or otherwiſe, as the cuſtom ſhall be for chooſing conſtables*] and that the ſaid afterwards, to wit, on the day of in the year aforeſaid, at the townſhip of aforeſaid, had due notice given to him by bailiff of the aforeſaid manor, of his being ſo elected and choſen conſtable aforeſaid, and then and there was by him the ſaid required to appear before eſquire, then, and yet, one of his majeſty's juſtices aſſigned to keep the peace within the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, on the ſaid day of in the year aforeſaid, to take his oath for the due executing the ſaid office of conſtable for the ſame townſhip, according to the duty of that office; nevertheleſs, the ſaid his duty in that behalf not regarding, but

but contriving and intending wholly to neglect to ſerve the ſaid office of conſtable, after he the ſaid was ſo elected and choſen into the ſaid office as aforeſaid, to wit, on the ſaid day of in the year aforeſaid, and continually afterwards, until the day of taking this inquiſition, at the townſhip aforeſaid, in the county aforeſaid, unlawfully and contemptuouſly did refuſe, and ſtill doth refuſe, to take his ſaid oath for the due executing the ſaid office of conſtable, and in any wiſe to execute the ſame office, to the great hindrance of juſtice, in contempt of our ſaid lord the king, and to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king.

——— *conſtable's oath.*

YOU ſhall well and truly ſerve our ſovereign lord the king, [and the lord of this leet, *if ſworn in a court-leet*] in the office of conſtable, for the townſhip of for the year enſuing [*or*, until you ſhall be lawfully diſcharged therefrom; *or*, until another ſhall be ſworn in your place:] You ſhall well and truly do, and execute all things belonging to the ſaid office, according to the beſt of your ſkill and knowledge. So help you God.

Indictment for refuſing to execute the office of chief conſtable of a hundred.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That at the general quarter-ſeſſion of the peace of our ſaid lord the king, holden at in and for the ſaid county of *Stafford*, by adjournment, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. before eſquire, and others, their fellows, juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county of *Middleſex*, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſame county, one late of the pariſh of in the ſaid county of *Stafford*, then, and long before, being an inhabitant, and reſiding in the pariſh aforeſaid, within the hundred of in the ſaid county of and a proper perſon to execute the office of chief conſtable, within the ſaid hundred, at the ſame ſeſſion, by the juſtices above named, in due manner was elected to be one of the chief conſtables of the hundred aforeſaid, in the room and ſtead of one whereof the ſaid afterward, to wit, on the day of the ſame month of in the year aforeſaid, at the ſaid pariſh of in the ſaid county of *Stafford*, had notice; nevertheleſs, the ſaid his duty in that behalf not regarding, but contriving and intending as much as in him lay, to prevent and hinder the due execution of juſtice, from the ſaid day of in the year aforeſaid, until the day of taking this inquiſition, at the pariſh aforeſaid, within the hundred aforeſaid, in the county aforeſaid, unlawfully, wilfully, obſtinately, and contemptuouſly, did refuſe to take upon himſelf, and execute the ſaid office of chief conſtable, wirhin the hundred aforeſaid, contrary to his duty in that behalf; in manifeſt contempt and delay of juſtice, to the evil example of all others in like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Corn.

Summons for ſelling corn otherwiſe than by Wincheſter *meaſure; on* ſtat. 22 & 23 Car. 2, c. 12. See vol. 1, p. 715.

Staffordſhire, to wit. } *Mr.*

THESE are in his majeſty's name, to command you to appear before me one of his majeſty's juſtices of the peace for the ſaid county, on the day of at the hour of in the noon, to ſhew cauſe why the ſum of forty ſhillings ſhould not be levied of your goods and chattels, for having ſold corn otherwiſe than by *Wincheſter* meaſure, ſealed and ſtricken by the brim. And hereof fail not. Given under my hand and ſeal, the day of

Warrant for ſelling corn otherwiſe than by Wincheſter *meaſure; on the above ſtatute.*

Staffordſhire, to wit. } *To the churchwardens of the pariſh of and to the keeper of his majeſty's gaol at*

WHEREAS of hath this day been duly convicted before me one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of for having ſold corn otherwiſe than by *Wincheſter* meaſure, ſealed and ſtricken by the brim, whereby the ſaid hath forfeited the ſum of forty ſhillings, purſuant to the ſtatute in that caſe made and provided: Theſe are therefore in his majeſty's name, to require and authorize you the ſaid churchwardens, to levy the ſaid ſum of forty ſhillings on the goods and chattels of the ſaid rendering the overplus, if any, unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted; and if ſufficient diſtreſs cannot be found of the goods and chattels of him the ſaid whereon to levy the ſaid ſum of forty ſhillings, that then you certify the ſame to me, together with the return of this precept. Herein fail you not. Given under my hand and ſeal, the day of in the year of our Lord.

Commitment upon the foregoing warrant.

Staffordſhire. } *To the conſtable of and to the keeper of his majeſty's gaol at*

WHEREAS of hath been convicted before me, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of for having ſold corn otherwiſe than by *Wincheſter* meaſure, ſealed and ſtricken by the brim, whereby the ſaid hath forfeited the ſum of forty ſhillings, purſuant to the ſtatute in that caſe made and provided; and whereas on the day of I did iſſue my warrant to the churchwardens of to levy the ſaid ſum of forty ſhillings, by diſtreſs and ſale of the goods and chattels of him the ſaid and whereas it duly appears to me, on the oaths of the ſaid churchwardens, that they have uſed their beſt endeavours to levy the ſaid ſum on the goods and chattels of the ſaid as aforeſaid, and that the goods and chattels of him the ſaid are not ſufficient to anſwer the ſaid diſtreſs: Theſe

Theſe are therefore, in his majeſty's name, to command you the ſaid conſtable of aforeſaid, to apprehend the body of the ſaid and him ſafely to convey to the common gaol, at aforeſaid, in the county aforeſaid, and there deliver him to the ſaid keeper thereof, together with this precept. And I do hereby command you the ſaid keeper of the ſaid common gaol, to receive into your cuſtody in the ſame common gaol, the ſaid and him there ſafely to keep until he ſhall pay the ſaid ſum of forty ſhillings. And for ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal the day of in the year of

Warrant for hindering a perſon from buying corn; on the 11 Geo. 1, c. 22. See vol. 1, p. 719.

Staffordſhire. } *To the conſtable of*
to wit. }

WHEREAS complaint and information hath been made unto us eſquires, two of his majeſty's juſtices of the peace for the ſaid county, upon the oath of that of in the ſaid county, did on the day of wilfully and maliciouſly beat, wound, and uſe other violence to with intent to hinder him from buying corn in the market of contrary to the ſtatute in that caſe made and provided: Theſe are therefore in his majeſty's name to command you to apprehend the body of the ſaid and bring him before us to anſwer to the ſaid complaint, and to be further dealt with according to law; and for your ſo doing this ſhall be your ſufficient warrant. Given under our hands and ſeals this day of -

Commitment on the foregoing warrant.

Staffordſhire, } *To the keeper of the houſe of correction at*
to wit. }

WE herewith ſend you the body of of in the ſaid county, being this day duly convicted before us, two of his majeſty's juſtices of the peace for the ſaid county, upon the oath of for having on the day of wilfully and maliciouſly beat, wounded, and uſed other violence to with intent to hinder him from buying corn in the market of contrary to the ſtatute in that caſe made and provided: And we do command you to receive the ſaid into your cuſtody, and him ſafely keep in your ſaid houſe of correction for the ſpace of [*not to exceed three months, or leſs than one month*] and that you once publicly and openly whip the ſaid at the market-croſs of the ſaid market, between the hours of eleven and two of the clock; and for your ſo doing this ſhall be your ſufficient warrant. Given under our hands and ſeals this day of

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Coroner.

The coroner's precept to ſummom a jury. See vol. 1, p. 722—728.

Staffordſhire. } *To the high conſtable of in the ſaid county.*

THESE are in the name of our ſovereign lord the king, to require you immediately upon ſight hereof, to ſummon and warn twenty-four good and lawful men of the four next townſhips in the ſaid county, to be and appear before me

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one of the coroners of the county aforeſaid, at aforeſaid, in the ſaid county, on the day of then and there to enquire of, do, and execute all ſuch things as on his majeſty's behalf ſhall be lawfully given them in charge. Whereof fail not, as you ſhall anſwer the contrary at your peril. Given under my hand and ſeal the day of

The juror's oath on the coroner's inqueſt.

YOU ſhall diligently enquire, and true preſentment make, on the behalf of our ſovereign lord the king, how and in what manner [*or*, a perſon unknown] here lying dead, came to his death; and of ſuch other matters relating to the ſame as ſhall be lawfully required of you, according to your evidence, So help you GOD.

After the foreman is ſworn, the reſt may be ſworn, three or four together, as follows:

Such oath as the foreman of this inqueſt hath for his part taken, you and every of you ſhall well and truly obſerve and keep on your parts reſpectively. So help you GOD.

Inquiſition of murder.

Staffordſhire. } AN inquiſition indented, taken at in the county of aforeſaid, the day of in the year of the reign of before me one of the coroners of our lord the king, for the county aforeſaid, upon the view of the body of then and there lying dead, upon the oaths of &c. good and lawful men of aforeſaid, and of three other of the next towns, to wit, and in the ſaid county, who being ſworn and charged to enquire on the part of our ſaid lord the king, when, where, how, and after what manner the ſaid came to his death, do ſay upon their oath, that one late of aforeſaid, gentleman, not having God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the day of in the year of aforeſaid, at the hour in the night of the ſame day, with force and arms, at in the county aforeſaid, in and upon the aforeſaid then and there being in the peace of God and of the ſaid lord the king, felonioufly, voluntarily, and of his malice forethought, made an aſſault; and that the aforeſaid then and there with a certain ſword made of iron and ſteel, of the value of five ſhillings, which he the ſaid then and there held in his right hand, the aforeſaid in and upon the left part of the belly of the ſaid a little above the navel of the ſaid then and there, violently, felonioufly, voluntarily, and of his malice forethought, ſtruck and pierced, and gave to the ſaid then and there with the ſword aforeſaid, in and upon the aforeſaid left part of the belly of the ſaid a little above the navel of the ſaid one mortal wound of the breadth of half an inch, and of the depth of three inches, of which ſaid mortal wound the aforeſaid then and there inſtantly died, and ſo the ſaid then and there felonioufly killed and murdered the ſaid againſt the peace of our ſaid lord the king, his crown and dignity.

And the ſaid jurors farther ſay, upon their oath aforeſaid, that of and of were felonioufly preſent with drawn ſwords, at the time of the felony and murder aforeſaid in form aforeſaid committed; that is to ſay, on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, at the hour in the night of the ſaid day, then and there comforting, abetting and aiding the ſaid to do and commit the felony and murder aforeſaid, in manner aforeſaid, againſt the peace of our ſaid lord the king, his crown and dignity.

And moreover the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid and had not, nor any of them had, nor as yet have or hath any goods or chattels, lands or tenements, within the county aforeſaid, or elſewhere, to the knowledge of the ſaid jurors.

In witneſs whereof, as well the aforeſaid coroner, as the jurors aforeſaid, have to this inquiſition put their ſeals, on the day and year aforeſaid, and at the place aforeſaid

——*Coroner.*

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——*&c. Jurors.*

An inquiſition where one hangs himſelf.

As above to not having God before his eyes, but being ſeduced and moved by the inſtigation of the devil, at aforeſaid, in a certain wood at aforeſaid ſtanding and being, the ſaid being then and there alone, with a certain hempen cord of the value of which he then and there had and held in his hands, and one end thereof he then and there put about his neck, and the other end thereof he tied about a bough of a certain oak tree, and himſelf then and there, with the cord aforeſaid, voluntarily and felonioufly, and of his malice aforethought, hanged and ſuffocated; and ſo the jurors aforeſaid upon their oath aforeſaid ſay, that the ſaid then and there, in manner and form aforeſaid, as a felon of himſelf, felonioufly, voluntarily, and of his malice aforethought, himſelf killed, ſtrangled, and murdered, againſt the peace, *&c.*

An inquiſition where one drowns himſelf.

at aforeſaid, in the county aforeſaid; then and there being alone, in a common river there, called himſelf voluntarily and felonioufly drowned; and ſo the jurors aforeſaid upon their oath aforeſaid ſay, that the aforeſaid in manner and form aforeſaid, then and there himſelf, voluntarily and felonioufly, as a felon of himſelf, killed and murdered; againſt the peace

An inquiſition upon one who dies in gaol.

who ſay upon their oath, that the aforeſaid on the day of the taking of this inquiſition, being a priſoner in the gaol at in the county aforeſaid, then and there died of the viſitation of God, and then and there in manner and form aforeſaid came to his death, and not otherwiſe. In witneſs, *&c.*

An inquiſition on one non compos mentis.

who ſay upon their oath, that the aforeſaid on the day and year aforeſaid, and at the time of his death, to wit, from the day of to the time of his death, and at the time of his death aforeſaid, was a lunatick, and a perſon of inſane mind; and that the ſaid being a lunatick and a perſon of inſane mind as aforeſaid, did on the day of come alone to a certain river called in the ſaid county, and did then and there caſt himſelf into the ſaid river, and drowned himſelf in the water of the ſaid river. And ſo the jurors aforeſaid, upon their oath aforeſaid ſay, that the aforeſaid from the cauſe aforeſaid, in manner and form aforeſaid, came to his death, and not otherwiſe. In witneſs, *&c.*

An inquiſition on one for cutting his throat.

by the inſtigation of the devil, at aforeſaid, in the county aforeſaid, in and upon himſelf, then and there being in the peace of God, and of the ſaid lord the king, felonioufly, voluntarily, and of his malice forethought, made an aſſault; and that

that the aforeſaid then and there with a certain knife, of the value of one penny, which he the ſaid then and there held in his right hand, himſelf upon his throat then and there felonioufly, voluntarily, and of his malice aforethought, did ſtrike, and gave to himſelf then and there with the knife aforeſaid, upon his throat aforeſaid, one mortal wound of the breadth of four inches, and of the depth of one inch, of which ſaid mortal wound the ſaid at aforeſaid, in the county aforeſaid, languiſhed, and languiſhing lived from the ſaid day of in the year aforeſaid, to the day of and that the ſaid on the day of aforeſaid in the year aforeſaid, at aforeſaid, in the county aforeſaid, of that mortal wound died. And ſo the jurors aforeſaid, *&c.*

Inquiſition for killing another in his own defence.

upon their oath ſay, that late of gentleman, at aforeſaid, in the ſaid county, on the day of in the year of in the peace of God and of our ſaid lord the king then being, late of in the county of at the hour of in the afternoon of the ſame day, did come, and upon him the ſaid then and there of his malice aforethought did make an aſſault, and him the ſaid did then and there endeavour to beat and kill, by continuing the aſſault aforeſaid, from the houſe of one in aforeſaid, to a certain place called in the county aforeſaid, and the ſaid ſeeing that the ſaid was ſo malicioufly diſpoſed, to a certain wall in the ſaid place called did flee; and from thence, for fear of death, could not eſcape; and ſo the ſaid himſelf, in preſervation of his life, againſt the ſaid continued to defend, and in his own defence him the ſaid upon the right part of the breaſt of him the ſaid with a certain ſword of the price of one ſhilling, which the ſaid then and there held in his right hand, did ſtrike, then and there giving to the ſame one mortal wound, of the breadth of one inch, and of the depth of three inches, of which ſaid mortal wound the ſaid at aforeſaid, in the county aforeſaid, languiſhed, and languiſhing lived from the ſaid day of to the day of from then next enſuing, and that the ſaid on the ſaid day of in the year aforeſaid, at aforeſaid in the ſaid county, of that mortal wound died; and ſo the ſaid did then and there kill him the ſaid in his own defence.

An inquiſition where the murderer is unknown.

The ſame as before, only ſay, That a certain perſon unknown, *&c. and add*, and the ſaid jurors, upon their oath aforeſaid, further ſay, that the ſaid perſon unknown, after he had committed the ſaid felony and murder, in manner aforeſaid, did fly away, againſt the peace, *&c.*

Cottage.

Indictment for erecting a cottage, and continuing the ſame contrary to the ſtat. 31 El. c. 7, ſect. 1 & 2. See vol. 1, p. 729.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That
to wit. } late of the pariſh of in the ſaid county of *Stafford* on the day of in the year of the reign of our ſovereign lord *George* the third,

king of *Great Britain*, &c. with force and arms, at the parish aforesaid, in the county aforesaid, did make, build and erect, and caused to be made, built and erected, a certain cottage for habitation and dwelling of himself and family, in a certain place there called and he the said did not assign and lay to the same cottage and building four acres of ground, to be continually occupied and manured therewith, so long as the said cottage should be inhabited, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity. And the jurors aforesaid, upon their oath aforesaid, do further present, that the said with force and arms, at the parish aforesaid, in the county aforesaid, the said cottage, so as aforesaid erected for habitation and dwelling, unlawfully and willingly did uphold, maintain, and continue from the said day of in the year aforesaid, until the day of in the year of the reign of our sovereign lord *George* the third, to which same cottage he the said did not assign and lay four acres of ground to be used and occupied with the same as aforesaid, against the form of the statute in that case made and provided, against the peace of our said lord the king, his crown and dignity.

The lord's consent to the erecting a cottage.

UPON the petition of and the certificate of the inhabitants of the parish of in the county of I do hereby give my consent, being lord of the manor of aforesaid, that the said shall and may erect and set up a cottage for his habitation, in some convenient place on the waste within the parish aforesaid, to be assigned by my steward, provided that an order of sessions be procured, according to law, for confirmation thereof. Witness my hand and seal this

Petition to justices of peace in the quarter-sessions for erecting a cottage.

To the worshipful the justices of the peace, at the general quarter-sessions of the peace to be holden in and for the county of Stafford, *on the day of next.*

The humble petition of of in the county aforesaid, labourer,

Sheweth,

THAT whereas your petitioner, being with his wife and children settled as an inhabitant of and in the said parish of and at present destitute of an habitation, hath by address made to lord of the manor of aforesaid, obtained his consent under his hand and seal, for your petitioner to erect and set up a cottage on the waste within the parish of aforesaid, for an habitation for himself and his family, if an order of sessions could be obtained for confirmation thereof, as by the paper hereto annexed doth appear:

May it therefore please your worships to grant unto your poor petitioner the order of this court, whereby your said petitioner may be enabled to set up a cottage for an habitation for himself and his family, on some convenient place on the waste within the manor of to be assigned by the said or his steward.

And your petitioner shall ever pray, &c.

Another form or authority from the lord of the manor to erect a cottage; on the 43 Eliz. cap. 2.

To his majesty's justices of the peace at the general quarter-sessions holden at in the county of on the day of 17

Staffordshire, } BE it remembered, that I lord of the manor of in the said
to wit. } county, do by these presents give leave and full licence and authority to and churchwardens of the said parish of and and overseers

ſeers of the poor of the ſame pariſh, to erect and build a cottage or cottages for poor perſons to inbahit in, and for no other uſe, according to an act of parliament in that caſe made and provided. Given under my hand and ſeal this day of

The order of ſeſſions made on the petition, and the lord's licence.

At the general quarter-ſeſſions of the peace holden at

Staffordſhire, to wit. WHEREAS of hath obtained the conſent of the lord of the manor of for erecting and building a cottage on the waſte within the manor of aforeſaid, for an habitation for himſelf and family; and he having alſo petitioned us to grant him our order for the purpoſe aforeſaid; we do therefore hereby order and give our conſent for erecting ſuch cottage. Given under our hands and ſeals this day of

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County-rate.

High conſtable's warrant to levy the rate; on ſtat. 12 Geo. 2, c. 29.

Staffordſhire. *To the churchwardens and overſeers of the townſhip* [or *pariſh*] *of in the ſaid county.*

BY virtue of an order of his majeſty's juſtices of the peace, in and for the ſaid county, in their general quarter-ſeſſions aſſembled, you are hereby required in thirty days time from your receipt of this precept, or otherwiſe, having had due notice thereof, to pay to me, out of the money by you collected, or to be collected for the relief of the poor, the ſum of being the proportion of your ſaid townſhip [*or* pariſh] for and towards the general county-rate, for the repairing of bridges, repairing of the gaol, and for the relief of the priſoners therein; and for the relief of the priſoners in the *King's Bench* and *Marſhalſea* priſons; repairing and furniſhing the houſe of correction, with the ſalary of the keeper thereof; the treaſurer's ſalary; the coroner's fees; the charges concerning vagrants, ſoldiers carriages, convicting and tranſporting felons, and other county charges. And herein fail not at your peril. Given under my hand at in the ſaid county, the day of

——— *High conſtable.*

The juſtices in the northern counties may order the money to be paid by the petty conſtable; and then the high conſtable's precept to the petty conſtables may be thus:

Staffordſhire. *To the conſtable of in the ſaid county.*

BY virtue of an order from his majeſty's juſtices of the peace in and for the ſaid county, in their general quarter-ſeſſion aſſembled, you are hereby required to raiſe the ſum of within your conſtablewick, for which you are to make an equal rate within your ſaid conſtablewick, and to levy the ſame in ſuch manner as money for the relief of the poor is by law to be rated or levied: Which ſaid ſum you are to pay unto me, in thirty days time from your receipt of this precept, or otherwiſe, having had due notice thereof; the ſame being the proportion of your ſaid conſtablewick, for and towards the general county rate for repairing of bridges, *&c. as in the laſt precedent.*

Diſtreſs.

Complaint to be exhibited in writing before two juſtices in the caſe of goods clandeſtinely removed; on 11 Geo. 2, c. 19, ſect. 4. See vol. 1, p. 766.

Staffordſhire. } BE it remembered, that this day of *A. B.* of complaineth, that of hath fraudulently and clandeſtinely removed and conveyed away certain goods and chattels of not exceeding the value of fifty pounds, from at to prevent *A. B.* from diſtraining the ſaid goods and chattels, for arrears of rent due to the ſaid *A. B.* for the ſaid and that of and of wilfully and knowingly aided and aſſiſted the ſaid in ſo fraudulently and clandeſtinely removing and conveying away the ſaid goods and chattels, and in concealing the ſame.

Exhibited at the day of before us juſtices of the peace of reſiding near not being intereſted in

Warrant thereupon to ſummon the parties concerned.

Staffordſhire. } *To the conſtable of* &c.

WHEREAS a complaint in writing hath been this day of exhibited at before us juſtices of the peace of reſiding near not being intereſted in by of ſetting forth that of hath fraudulently and clandeſtinely removed and conveyed away certain goods and chattels of not exceeding the value of fifty pounds, from to prevent from diſtraining the ſaid goods and chattels for arrears of rent due to the ſaid for the ſaid and that of and of wilfully and knowingly aided and aſſiſted the ſaid in ſo fraudulently and clandeſtinely removing and conveying away the ſaid goods and chattels, and in concealing the ſame: Theſe are therefore to command you and each and every of you, forthwith to ſummon the ſaid and to appear before us at on the day of at the hour of to anſwer the matter of the ſaid complaint. Given under our hands and ſeals at the day of

Order of two juſtices thereupon.

Staffordſhire. } *The order and adjudication of and juſtices of the peace of*

WHEREAS of hath been duly charged before us and juſtices of the peace of reſiding near not being intereſted in with having fraudulently and clandeſtinely removed and conveyed away certain goods and chattels of not exceeding the value of fifty pounds, from to prevent the ſaid from diſtraining the ſaid goods and chattels, for arrears of rent due to the ſaid for the ſaid: And whereas of and of have been alſo duly charged before us with having wilfully and knowingly aided and aſſiſted the ſaid in ſo fraudulently and clandeſtinely removing and conveying away the ſaid goods and chattels, and in concealing the ſame; and we the ſaid juſtices having ſummoned the parties concerned, and examined the fact and all proper witneſſes upon oath [*or in caſe of a quaker*, upon affirmation required by law] and it appearing and being fully proved

proved before us, that the ſaid did ſo fraudulently and clandeſtinely remove and convey away as aforeſaid being of the value of and the goods and chattels of the ſaid and it alſo appearing and being fully proved before us, that the ſaid and wilfully and knowingly aided and aſſiſted the ſaid in ſo removing and conveying away as aforeſaid the ſaid and in concealing the ſame: We the ſaid juſtices do therefore this day of determine and adjudge that the ſaid and are guilty of the offences, with which they the ſaid and are charged as aforeſaid, and they are convicted thereof: And we do hereby order and adjudge them the ſaid and to pay the ſum of being double the value of the ſaid goods and chattels, to or to his bailiff, ſervant or agent, on or before the day of Given under our hands and ſeals at the day of

Warrant of diſtreſs in caſe the offenders having notice refuſe or neglect to pay purſuant to the preceding order; on Stat. 11 Geo. II. c. 19.

Staffordſhire. } *To the conſtable of* &c.

WHEREAS of , of and of were, by an order dated the day of under the hands and ſeals of us and juſtices of the peace of reſiding near not being intereſted in ordered to pay the ſum of to or his bailiff, ſervant or agent, on or before the day of being double the value of certain goods and chattels of the ſaid which the ſaid was before us duly convicted of having fraudulently and clandeſtinely removed and conveyed away from to prevent the ſaid from diſtraining the ſaid goods and chattels for arrears of rent due to the ſaid for the ſaid and which the ſaid and were alſo duly convicted, before us, of having wilfully and knowingly aided and aſſiſted the ſaid in ſo fraudulently and clandeſtinely removing and conveying away, and in concealing the ſame; and whereas the ſaid and having notice of our ſaid order, have refuſed or neglected to pay, and have not paid the ſaid ſum of purſuant thereto; and the ſame hath been fully proved before us: Theſe are therefore to command you, and each and every of you, to levy the ſaid ſum of by diſtreſs and ſale of their goods and chattels of the ſaid and and we do hereby order and direct the goods and chattels ſo to be diſtrained, to be ſold and diſpoſed of within days, unleſs the ſaid ſum of for which ſuch diſtreſs ſhall be made, together with the reaſonable charges of taking and keeping ſuch diſtreſs, ſhall be ſooner paid: And you are alſo hereby commanded to certify to us what you ſhall do by virtue of this our warrant. Given under our hands and ſeals at the day of

The conſtable's return thereupon of the want of diſtreſs.

Staffordſhire. I ——— conſtable of do hereby certify and juſtices of the peace of that I have made diligent ſearch for, but do not know of, nor can find any goods and chattels of and and or of any of them, by diſtreſs or ſale whereof I may levy the ſum of purſuant to their warrant for that purpoſe, dated the day of Given under my hand this day of

Commitment thereupon to the houſe of correction.

Staffordſhire. } *To the conſtable of* &c. *and alſo to the keeper of the houſe of correction at*

WHEREAS and and were, by an order dated the day of under the hands and ſeals of us juſtices of the peace of reſiding near not being intereſted in ordered to pay the ſum of to or to his

bailiff, ſervant or agent, on or before the day of being double the value of certain goods and chattels of the ſaid which the ſaid was before us duly convicted of having fraudulently and clandeſtinely removed and conveyed away from , to prevent the ſaid from diſtraining the ſaid goods and chattels for arrears of rent due to the ſaid for the ſaid and which the ſaid and were alſo duly convicted before us of having wilfully and knowingly aided and aſſiſted the ſaid in ſo fraudulently and clandeſtinely removing and conveying away, and in concealing the ſame; and whereas the ſaid and and having notice of our ſaid order, have refuſed or neglected to pay and have not paid the ſaid ſum of purſuant thereunto, and the ſame hath been duly proved before us; and whereas it appears to us by the return of conſtable of dated the day of that he hath made diligent ſearch for, but doth not know of, nor can find any goods and chattels of the ſaid and and or any of them, by diſtreſs and ſale whereof the ſaid ſum of may be levied purſuant to our warrant duly made and iſſued for the levying the ſaid ſum of by diſtreſs and ſale of the goods and chattels of the ſaid and and : Theſe are therefore to command you the ſaid conſtable of &c. and each and every of you, to apprehend the ſaid and and and convey them to the ſaid houſe of correction at aforeſaid, and deliver them there to the ſaid keeper of the ſaid houſe of correction; and theſe are alſo to command you the ſaid keeper of the ſaid houſe of correction, to receive them the ſaid and and into the ſaid houſe of correction, and there keep them to hard labour, without bail or mainprize, for the ſpace of ſix months, unleſs the ſaid ſum of ſo ordered to be paid as aforeſaid, ſhall be ſooner ſatisfied. Given under our hands and ſeals at the day of

Form of a complaint and oath to be made before a juſtice, where goods and chattels are fraudulently and clandeſtinely removed and conveyed away from a dwelling, and ſecured ſo as to prevent them from being taken and ſeized as a diſtreſs for arrears of rent.

Staffordſhire. } BE it remembered, that this day of *A. B.* of complaineth and maketh oath, that certain goods and chattels of of have been fraudulently and clandeſtinely conveyed and carried away from by the ſaid his ſervant or ſervants, agent or agents, or other perſon or perſons aiding or aſſiſting therein, to prevent *A. B.* from diſtraining the ſaid goods and chattels for arrears of rent due to the ſaid *A. B.* for the ſaid and the ſaid goods and chattels are put, placed or kept, in the houſe, barn, ſtable, out-houſe, yard, cloſe, or other place of at locked up, faſtened or otherwiſe ſecured, ſo as to prevent the ſaid goods and chattels from being taken and ſeized as a diſtreſs for arrears of rent; and that the ſaid *A. B.* hath a reaſonable ground to ſuſpect, and doth ſuſpect, that the ſaid goods and chattels are in the dwelling houſe of the ſaid at

Taken and ſworn at the day of before

Warrant upon the preceding complaint and oath.

Staffordſhire. } *To the conſtable, headborough, borſholder, or other peace officer of and to each and every of them.*

WHEREAS of hath this day of exhibited his complaint and made oath before me one of his majeſty's juſtices of the peace for the ſaid county, that certain goods and chattels of of have been fraudulently and clandeſtinely conveyed and carried away from by the ſaid his ſervant or ſervants,

ſervants, agent or agents, or other perſon or perſons, aiding or aſſiſting therein, to prevent from diſtraining the ſaid goods and chattels for arrears of rent due to the ſaid for the ſaid and that the ſaid goods and chattels are put, placed or kept in the houſe, barn, ſtable, out-houſe, yard, cloſe, or other place of at locked up, faſtened, or otherwiſe ſecured, ſo as to prevent the ſaid goods and chattels from being taken and ſeized as a diſtreſs for arrears of rent; and that the ſaid hath a reaſonable ground to ſuſpect, and doth ſuſpect, that the ſaid goods and chattels are in the dwelling houſe of at Theſe are therefore to command you, and each and every of you, to aid and aſſiſt his ſteward, bailiff, receiver, or other perſon or perſons impowered to take and ſeize as a diſtreſs for rent, the ſaid goods and chattels, in the day-time, to break open and enter into the ſaid dwelling-houſe, barn, ſtable, out-houſe, yard, cloſe, or other place of the ſaid at and to take and ſeize the ſaid goods and chattels for the ſaid arrears of rent according to law. Given under my hand and ſeal at the day of

Notice to be affixed on the premiſſes being deſerted.

TAKE notice that upon the complaint of of in the county of made unto us eſquire, and eſquire, two of his majeſty's juſtices of the peace for the ſaid county, that you the ſaid have deſerted the meſſuage and tenement called conſiſting of ſituate, lying and being at aforeſaid, in the county aforeſaid, unto you demiſed at rack-rent by him the ſaid and that there is in arrear and due from you the ſaid to the ſaid a whole year's rent for the ſaid demiſed premiſſes, and that you have left the ſaid premiſſes uncultivated and unoccupied, ſo that no ſufficient diſtreſs can be had to countervail the ſaid arrears of rent; we the ſaid juſtices (having no intereſt, nor either of us having any intereſt in the ſaid demiſed premiſſes) on the ſaid complaint as aforeſaid, and at the requeſt of him the ſaid have this day come upon and viewed the ſaid demiſed premiſſes, and do find the ſaid complaint to be true, and on the day of this preſent month of we will return to take a ſecond view thereof, and if upon ſuch ſecond view, you or ſome perſon on your behalf, ſhall not appear and pay the ſaid rent in arrear, or there ſhall not be ſufficient diſtreſs on the ſaid premiſſes, then we the ſaid juſtices will put him the ſaid in the poſſeſſion of the ſaid demiſed premiſſes, according to the form of the ſtatute in ſuch caſe made and provided; in witneſs whereof we have hereunto ſet our hands and ſeals, and have cauſed this notice to be affixed on the out-door of the manſion-houſe, the ſame being the moſt notorious part of the ſaid premiſſes, this day of in the year of the reign of our ſovereign lord *George* the third, of *Great Britain*, *France*, and *Ireland* king.

Record of putting the landlord into poſſeſſion.

Staffordſhire. } BE it remembered, that on the day of in the year of the reign of our ſovereign lord *George* the third of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, at in the ſaid county, of aforeſaid, in the county aforeſaid, complained unto us eſquire, and , eſquire, two of the juſtices of our ſaid lord the king aſſigned to keep the peace within the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, that he the ſaid did demiſe at rack-rent [or three-fourths of the yearly value, *as the caſe is*] unto of yeoman, the meſſuage and tenement called conſiſting of ſituate, lying, and being at aforeſaid, in the county aforeſaid, and that on the ſaid day of in the year aforeſaid, there was in arrear and due unto the ſaid from him the ſaid tenant of the ſaid demiſed premiſſes, one whole year's

rent thereof, and that he the ſaid had deſerted the ſaid demiſed premiſſes, and left the ſame uncultivated and unoccupied, ſo as no ſufficient diſtreſs could be had to countervail the ſaid arrears of rent; whereupon the ſaid then and there, to wit, on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, requeſted of us ſo as aforeſaid, being juſtices, to him in this behalf that a due remedy ſhould be provided, according to the form of the ſtatute in that caſe made; which complaint and requeſt by us the aforeſaid juſtices being heard, we the ſaid , eſquire, and , eſquire, juſtices aforeſaid (having no intereſt, nor either of us having any intereſt in the ſaid demiſed premiſſes) on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, did perſonally go upon and view the ſaid demiſed premiſſes, and then and there upon our own proper view did find the ſaid complaint to be true, and did then and there affix on the moſt notorious part of the ſaid demiſed premiſſes, to wit, upon the out-door of the manſion-houſe aforeſaid, a notice in writing under our hands and ſeals, that we the ſaid juſtices, on the day of the ſame month of in the year aforeſaid, would return to take a ſecond view thereof; upon which ſaid day of in the year aforeſaid of our ſaid ſovereign lord, we the ſaid juſtices do now return, come upon, and take a ſecond view of the premiſſes aforeſaid, and there, upon our own proper view, do find that he the ſaid doth not appear, nor any perſon on his behalf doth appear and pay the ſaid rent in arrear, and that there is no ſufficient diſtreſs upon the premiſſes aforeſaid, nor upon any part thereof, to countervail the ſaid arrears of rent: Therefore we the ſaid juſtices, at aforeſaid, in the county aforeſaid, on the day of aforeſaid, in the year aforeſaid, do put the ſaid into poſſeſſion of the ſaid demiſed premiſſes, according to the form of the ſtatute aforeſaid. In witneſs whereof we the ſaid juſtices unto this record do ſet our ſeals, at aforeſaid, in the county aforeſaid, on the ſaid day of in the year of the reign of our ſaid ſovereign lord *George* the third, of *Great Britain*, *France* and *Ireland*, king.

Eſcape.

Indictment againſt a conſtable for negligently permitting a man to eſcape, that was committed for a rape.

Staffordſhire. THE jurors for our lord the king, upon their oath, preſent, That on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. one at the pariſh of in the ſaid county of *Stafford*, was brought by one then being one of the conſtables of the ſame pariſh, before then and yet one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds, committed in the ſame county, and the ſaid then and there was charged by one , ſpinſter, upon the oath of the ſaid with having had the carnal knowledge of her body againſt her will; and the ſaid then and there was examined before the ſaid the juſtice aforeſaid, of the aforeſaid offence to him, as above charged, upon which the ſaid , juſtice of the peace aforeſaid, did make a certain warrant, under his hand and ſeal, in due form of law, bearing date the ſaid day of in the year of our Lord directed to the keeper of or his deputy, commanding him the ſaid keeper, or his deputy, that he ſhould receive into his cuſtody the ſaid brought

before

before him, and charged upon the oath of the ſaid with the premiſſes above ſpecified; and the ſaid juſtice, by the aforeſaid warrant, did command the ſaid keeper of *Newgate*, or his deputy, to ſafely keep in their cuſtody, until he by due courſe of law ſhould be diſcharged; which ſame warrant afterwards, to wit, on the ſaid day of in the ſaid year of the reign of our ſaid lord the king, at the pariſh aforeſaid, in the county aforeſaid, was delivered to the ſaid then being one of the conſtables of the ſame pariſh as aforeſaid, and then and there having the ſaid under his cuſtody for the cauſe aforeſaid, and the ſaid then and there, was required and commanded by the ſaid the aforeſaid juſtice, immediately to convey the ſaid to the ſaid gaol of and to deliver him the ſaid to the keeper of the ſaid gaol, or his deputy, together with the warrant aforeſaid; and the jurors aforeſaid, upon their oath aforeſaid, do further preſent, that the ſaid late of the pariſh aforeſaid, in the county aforeſaid, afterwards, to wit, on the ſaid day of in the ſaid year of the reign of our ſaid lord the king, then, as aforeſaid, being one of the conſtables of the ſaid pariſh, and then having the ſaid in his cuſtody for the cauſe aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, the ſaid out of the cuſtody of him the ſaid unlawfully and negligently did permit to eſcape, and to go at large where he would, to the great hindrance of juſtice, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment againſt a conſtable for negligently permitting a man to eſcape who was arreſted by him for a miſdemeanor.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. at the pariſh of in the ſaid county of *Stafford*, one came before eſquire, then, and yet, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county of *Stafford*, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſame county; and the ſaid did then and there, on his oath, before the ſame juſtice, charge, accuſe, and give information againſt one of the pariſh aforeſaid, in the county aforeſaid, for a certain miſdemeanor, in taking fiſh out of the pond of [*or as the offence ſhall be*] whereupon, he the ſaid the juſtice aforeſaid, did then and there, to wit, at the pariſh of aforeſaid, in the county aforeſaid, make a certain warrant under his hand and ſeal, in due form of law, directed to the conſtable, or headborough of the pariſh of aforeſaid, in the county aforeſaid, thereby requiring them to take the body of the ſaid and bring him before the ſaid the juſtice aforeſaid, to anſwer to ſuch matters and things as ſhould be alledged againſt him touching the ſaid miſdemeanor; which ſaid warrant afterwards, to wit, on the ſame day and year above mentioned, at aforeſaid, in the county aforeſaid, was delivered to one then being one of the conſtables of the ſaid pariſh of in due form of law to be executed, by virtue of which ſaid warrant, the ſaid afterwards, to wit, on the ſaid day of in the year aforeſaid, at the aboveſaid pariſh of in the ſaid county, did take and arreſt the body of the ſaid and him the ſaid in his cuſtody, for the cauſe aforeſaid had; nevertheleſs, the ſaid of the ſaid pariſh of in the county aforeſaid afterwards, to wit, on the ſaid day of in the year aforeſaid, the duty of his office in that part not regarding, at the pariſh of aforeſaid, in the county aforeſaid, unlawfully and negligently did permit the ſaid to eſcape, and go at large, out of the cuſtody of him the ſaid to the great hindrance of juſtice, in contempt of our ſaid lord the king, and his laws, and againſt the peace of our ſaid lord the king, his crown and dignity.

Warrant for aſſiſting a priſoner to make his eſcape from gaol; *on* ſtat. 16 G. 2, c. 4. See vol. 2, p. 4.

Staffordſhire. } *To the conſtable of in the ſaid county.*

WHEREAS complaint and information upon oath have been this day made unto me one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, did on the day of aſſiſt who was a priſoner in the common gaol of the ſaid county for felony, to make his eſcape out of the ſaid gaol; contrary to the ſtatute in that caſe made and provided: Theſe are therefore, in his majeſty's name, to command you to apprehend the ſaid and bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to anſwer unto the ſaid complaint, and to be further dealt with according to law; and for your ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of

Commitment upon the foregoing warrant.

Staffordſhire. } *To the keeper of his majeſty's gaol at in the ſaid county.*

I Herewith ſend you the body of of in the ſaid county, charged upon the oath of with having aſſiſted (who was a priſoner for felony in the ſaid gaol) to make his eſcape from the ſaid gaol; and I do command you to keep the ſaid ſafe in your cuſtody in your ſaid gaol, until he ſhall be thence delivered by due courſe of law; and for ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of

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Eſtreat.

Form of an eſtreat. See vol. 1, p. 8—15.

Staffordſhire. } AN extract of all the iſſues, fines, amerciaments and recognizances, ſet, loſt, impoſed, and forfeited to our ſovereign lord the king, at the general quarter-ſeſſions of the peace of our ſaid lord the king, holden at in and for the ſaid county of on the day of in the year of the reign of before eſquires, juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed gentleman, clerk of the peace for the county aforeſaid, then and there attending:

Of late of in the ſaid county, labourer, for a treſpaſs and aſſault at aforeſaid in the ſaid county, whereof he is indicted and convicted; and his fine ſet at five ſhillings, which he paid to the ſheriff in court, £0 5 0.

Of of in the ſaid county, yeoman, becauſe he came not now here to anſwer to ſuch things as againſt him, on the part of our ſaid lord the king, ſhould be objected, as by a certain recognizance taken before eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, he undertook, £10 0 0.

Of

Of of in the ſaid county, yeoman, one of the pledges of the ſaid be-cauſe he had him not to anſwer as above, £5 0 0.

Of of in the ſaid county, yeoman, the other of the pledges of the ſaid for the like, £5 0 0.

Examination.

Examination of a felon.

Staffordſhire. } THE examination of of taken before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county [*or, in the caſe of bail,* taken before us two of his majeſty's juſtices of the peace for the ſaid county, and one of us of the quorum] the day of in the year of the reign of The ſaid being charged before me, [*or* us] I of with the felonious ſtealing out of the houſe of the ſaid at on the day of the following goods, to wit, to the value of he the ſaid upon his examination now taken before me, [*or* us] confeſſeth that [*or* denieth that] *&c.*

Information of a witneſs.

Staffordſhire. } THE information of of taken upon oath before me, [*as before*].

Recognizance to give evidence.

Staffordſhire. } BE it remembered, that on the day of in the year of the reign of of in the ſaid county did come before me eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and did acknowledge himſelf to owe to our ſaid lord the king, ten pounds of lawful money of *Great Britain*, under condition, that if he ſhall perſonally appear before the juſtices of our ſaid lord the king, at the next general quarter-ſeſſions of the peace (*or* gaol delivery) to be holden in and for the ſaid county, then and there to give evidence in behalf of our ſaid lord the king, againſt late of who being attached, and ſuſpected of felony, is now committed to the gaol of our ſaid lord the king, in the ſaid county, then this recognizance to be void, otherwiſe of force.

Or thus, to prefer a bill of indictment and give evidence.

Staffordſhire. BE it remembered, that on the day of in the year of the reign of of in the ſaid county perſonally came before me eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and acknowledged himſelf to owe to our ſaid lord the king, the ſum of of good and lawful money of *Great Britain*, to be made and levied of his goods and chattels, lands, and tenements, to the uſe of our ſaid lord the king, his heirs and ſucceſſors, if he the ſaid ſhall fail in the condition indorſed.

The condition of the within written recognizance is ſuch, that whereas one late of was this preſent day brought before the juſtice within mentioned, by the within bounden and was by him charged with the felonious taking and carrying away

away of the goods of him the ſaid and thereupon was committed by the ſaid juſtice, to the common jail in and for the ſaid county. If therefore, he the ſaid ſhall and do at the next general quarter-ſeſſions of the peace (*or* gaol delivery) to be holden in and for the ſaid county, prefer, or cauſe to be preferred, one bill of indictment of the ſaid felony, againſt the ſaid and ſhall then alſo give evidence there concerning the ſame, as well to the jurors that ſhall then enquire of the ſaid felony; as alſo to them that ſhall paſs upon the trial of the ſaid that then the ſaid recognizance to be void, or elſe to ſtand in full force for the king.

Warrant for a witneſs.

Staffordſhire. } *To the conſtable of*

WHEREAS oath hath been made before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, by of that he the ſaid was lately robbed at and that he hath good cauſe to believe that of is a material witneſs to prove by whom the ſaid robbery was committed: Theſe are therefore to require you to cauſe the ſaid forthwith to come before me, to give ſuch information and evidence as he knoweth concerning the ſaid offence, that ſuch farther proceeding may be had therein as to the law doth appertain. Given under my hand and ſeal at in the ſaid county, the day of

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Exciſe and Cuſtoms.

Warrant to apprehend thoſe who abuſe or reſiſt a cuſtom-houſe officer; on ſtat. 13 & 14 Car. 2, c. 11, ſect. 6. See vol. 2, p. 21.

Middleſex, *to wit.* } *To the conſtable of*

WHEREAS complaint hath been made before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, by of in the ſaid county of *Middleſex*, being an officer of his majeſty's cuſtoms, that of did lately with force and arms reſiſt the ſaid at being then in the execution of his ſaid office: Theſe are therefore in his majeſty's name, to require and authorize you the ſaid conſtable, to apprehend the ſaid and bring him before me to be examined concerning the premiſſes, and to be further dealt with according to law. Given under my hand and ſeal, this

Commitment upon the foregoing warrant.

Middleſex, *to wit.* } *To the keeper of*

I Herewith ſend you the body of brought before me, and charged by an officer of his majeſty's cuſtoms, for having lately with force and arms reſiſted the ſaid being then in the execution of his ſaid office: And I do hereby command you in his majeſty's name, to take into your cuſtody the ſaid and him ſafely keep until the next quarter-ſeſſions, which ſhall be held for the ſaid county, there to be puniſhed according to the ſtatute in that caſe made and provided. And hereof fail not at your peril. Given under my hand and ſeal, this

Warrant againſt an offender aſſiſting in the landing of goods, and carrying them away without paying of cuſtom; on ſtat. 13 & 14 Car. 2, c. 11, ſect 7. See vol. 2, p. 22.

Middleſex, } *To the conſtable of*
to wit. }

WHEREAS complaint hath been made unto me one of his majeſty's juſtices of the peace for the ſaid county, that of hath lately aſſiſted in the landing and carrying away ſeveral goods at in the ſaid county, for which a certain duty was due and payable to his majeſty, which was not paid: And whereas it appeareth unto me, upon the examination of, *&c.* and others, that he the ſaid had not any warrant for his ſo doing, and that he had not given notice thereof to any officer of the cuſtoms, and that no ſuch officer was there preſent: Theſe are therefore in his majeſty's name, to command you to apprehend the ſaid and bring him before me, or ſome other juſtice of the peace for the ſaid county, to anſwer the premiſſes. And hereof fail not. Given under my hand and ſeal, this

Commitment for the firſt offence.

To the conſtable of and to the keeper of

Middleſex, } WHEREAS it hath been duly proved before me, that of
to wit. } hath [*as in the foregoing warrant:*] Theſe are therefore, in his majeſty's name, to command you the ſaid conſtable, to convey the ſaid to and to deliver him to the keeper thereof, together with this warrant: And I do hereby command you the ſaid keeper to take the ſaid into your cuſtody, and him ſafely to keep, until he ſhall find ſureties for his good behaviour, and until he ſhall be diſcharged from the ſame by the lord treaſurer, chancellor, under-treaſurer, or barons of the exchequer: And hereof fail not at your peril. Given under my hand and ſeal this day of

Commitment for the ſecond offence.

WHEREAS, *&c.* [*as in the former warrant:*] And whereas the ſaid hath been already duly convicted for the ſaid offence, and hath ſince his conviction offended a ſecond time: Theſe are therefore in his majeſty's name [*as in the former warrant*] and him ſafely to keep for the ſpace of two months without bail or mainprize; or until he ſhall pay unto the ſheriff of the ſaid county the ſum of five pounds, for the uſe of his ſaid majeſty; or until he ſhall be from thence diſcharged by the lord treaſurer, chancellor, or under treaſurer, or court of exchequer: And hereof fail not. Given under my hand and ſeal, this

Warrant to apprehend a perſon offending againſt the ſtatute 19 Geo. 2, c. 34. See vol. 1, p. 40.

Suſſex, } *To the conſtable of*
to wit. }

WHEREAS complaint and information upon oath hath this day been made unto me one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of that of did on the day of forcibly hinder and aſſault an officer of his majeſty's cuſtoms, in the ſeizing of goods prohibited to be exported, contrary to the ſtatute in that caſe made and provided: Theſe are therefore, in his majeſty's name, to command you to apprehend the body of the ſaid and bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be dealt with according to law; and for your ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of

Commitment upon the foregoing warrant.

Suſſex, to wit. } *To the keeper of his majeſty's gaol at*

I Send you herewith the body of charged upon the oath of with having, on the day of forcibly hindered and aſſaulted an officer of his majeſty's cuſtoms, in the ſeizing of goods prohibited to be exported: And I do hereby command you ſafely to keep the ſaid in your gaol, until he ſhall be thence delivered by due courſe of law; and for your ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of

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Extortion.

Indictment againſt the ſervant of a clerk of a market for extortion. See vol. 2, pag. 164.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the county of *Stafford* aforeſaid, on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. at the pariſh aforeſaid, in the county aforeſaid, by colour of being ſervant and agent to clerk of the market of unlawfully, unjuſtly, and extorſively, did demand, receive, and have of one the ſum of of lawful money of *Great Britain*, for and as a fee for examining, marking, and ſealing of five quart pots made of pewter, and ſeven pint pots made of pewter; whereas in truth, and in fact, there was no ſuch fee due to the ſaid the ſaid clerk of the market of in that behalf, to the great damage and oppreſſion of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment againſt a headborough for extortion.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Stafford* on the day of in the year of the reign of our ſovereign lord *George* the third, king of *Great Britain*, &c. then being one of the headboroughs of the ſame pariſh, in the county aforeſaid, at the pariſh of in the county aforeſaid, by colour of his ſaid office, unlawfully, unjuſtly, and extorſively, did exact, extort, receive, and have, of and from one the ſum of of lawful money of this realm, for a pretended fee of him the ſaid for taking and arreſting the ſaid by virtue of a warrant of eſquire, meaning eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county of *Stafford*; and alſo to hear and determine divers felonies, treſpaſſes, and other miſdeeds committed in the ſame county, and for the obtaining and diſcharging of the ſame warrant, as the ſaid did then alledge; whereas in truth, and in fact, no ſuch fee was then due to the ſaid in that behalf, to the great damage of the ſaid to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment

Indictment for extortion in a gaoler.

THE jurors for our lord the king, upon their oath, preſent, That late of in the ſaid county, yeoman, on the day of in the year of the reign of was taken up on ſuſpicion of having committed a certain felony, by conſtable of in the ſaid county, by virtue of a warrant directed to the ſaid under the hand and ſeal of eſquire, then, and yet, one of the juſtices of our ſovereign lord the king, aſſigned to keep the peace in the ſaid county, and was on the ſame day and year committed by him the ſaid to keeper of the gaol of our ſaid ſovereign lord the king, at in the ſaid county, under the cuſtody of him the ſaid to be ſafely kept, upon ſuſpicion of the felony aforeſaid; and the ſaid was detained in that priſon under the cuſtody of the ſaid from the time that he was committed to the ſaid priſon, for one month from thence next enſuing, upon ſuſpicion of the ſaid felony; nevertheleſs, the ſaid in no wiſe regarding the ſtatute in that caſe made, and the penalty therein contained, did on the day of at aforeſaid, in the ſaid county, demand and receive pounds of lawful money of *Great Britain*, of and from the ſaid for eaſe and favour in the ſaid gaol for the ſaid time, in contempt of our ſaid ſovereign lord the king, and againſt the form of the ſtatute aforeſaid, and againſt the peace of our ſaid ſovereign lord the king, his crown and dignity.

Indictment for extortion in a bailiff.

THE jurors for our lord the king, upon their oath, preſent, That late of in the ſaid county, yeoman, being bailiff of the hundred of in the ſaid county, on the day of in the year of the reign of at in the ſaid county, by pretext and colour of his ſaid office, did unjuſtly, and by extortion, take and extort five ſhillings of one of in the ſaid county, yeoman, one of the freeholders qualified to ſerve upon juries in the ſaid county, to excuſe the ſaid from attending or appearing at the aſſizes that were then next to be holden in and for the ſaid county; when in fact, the ſaid was not returned by the ſheriff of the ſaid county in any panel of jurors; and alſo when indeed no ſum of money was due to the ſaid for his fee for excuſing the attendance or appearance of the ſaid at the aſſizes aforeſaid, to the evil example of other offenders, to the great damage of him the ſaid and againſt the peace of our ſaid ſovereign lord the king, his crown and dignity.

Fireworks.

Summons for ſelling ſquibs; on ſtat. 9 & 10 Will. 3, c. 7. See vol. 2, p. 182.

Staffordſhire, *to wit.* } *Mr.*

THESE are in his majeſty's name to command you to appear before me one of his majeſty's juſtices of the peace for the ſaid county, on the day of at of the clock in the noon, to ſhew cauſe why the penalty of five pounds ſhould not be levied on your goods and chattels for having ſold, as I am informed, ſquibs, rockets, *&c.* contrary to the ſtatute in that caſe made: And hereof fail not. Given under my hand and ſeal this day of

Warrant to levy the penalty mentioned in the foregoing ſummons.

Staffordſhire. } *To the conſtable of*
to wit. }

WHEREAS complaint and information hath been made unto me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, upon the oaths of and that of in the ſaid county, hath on the day of ſold ſquibs, rockets, *&c.* to of contrary to the ſtatute in that caſe made and provided, whereby the ſaid hath forfeited the ſum of five pounds: And whereas the ſaid hath been duly ſummoned to appear before me to anſwer to the ſaid complaint, but the ſaid hath neglected ſo to do [*or* hath appeared and not cleared himſelf of the ſaid charge, *as the caſe ſhall be.*] Theſe are therefore in his majeſty's name to require and authorize you to levy the ſaid ſum of ten pounds by diſtreſs of the goods and chattels of him the ſaid And if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges of taking and keeping the ſaid diſtreſs ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, that you do pay one half of the ſaid ſum of ten pounds to the overſeers of the poor of the pariſh of where the ſaid offence was committed; and the other half to who informed me of the ſaid offence; rendering the overplus (if any ſhall be) on demand unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted. Given under my hand and ſeal the day of in the year of our Lord

Summons for caſting ſquibs into the publick ſtreet (See ſect. 3, of ſaid Act, 9 & 10 Wil. 3.) *may be formed like the above ſummons.*

Warrant to apprehend a perſon for caſting ſquibs into the public ſtreet.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint and information, upon oath, hath been made unto me one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, did on the day of caſt ſquibs, rockets, *&c.* into the publick ſtreet at in the ſaid county, contrary to the ſtatute in that caſe made; whereby the ſaid hath forfeited the ſum of twenty ſhillings: Theſe are therefore in his majeſty's name to command you to apprehend the ſaid and to bring him before me to anſwer to the ſaid complaint, and to be farther dealt withal according to law. Given under my hand and ſeal this day of

Commitment to the houſe of correction for non-payment of the penalty mentioned in the preceding warrant.

Staffordſhire. } *To the keeper of the houſe of correction at*

I Herewith ſend you the body of who was this day convicted upon oath before me one of his majeſty's juſtices of the peace for the ſaid county, for caſting ſquibs, *&c.* into the publick ſtreet at whereby the ſaid hath forfeited the ſum of which he refuſed immediately to pay unto me, according to the direction of the ſtatute in that caſe made: I therefore command you to receive the ſaid into your cuſtody and him ſafely keep to hard labour for the ſpace of one month, unleſs he ſhall ſooner pay the ſaid forfeiture: And for ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal the day of in the year of our Lord

Forcible Entry.

Mittimus for forcible detainer; on ſtat. 15 Ric. 2, c. 2. See vol 2, p. 186.

Staffordſhire. } —— eſquire, one of the juſtices of our ſovereign lord the king's majeſty aſſigned to keep the peace within the ſaid county of and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed; to the keeper of his majeſty's gaol, at in the ſaid county, and to his deputy and deputies there, and to every of them, greeting. Whereas upon complaint made unto me this preſent day, by of in the ſaid county, yeoman, I went immediately to the dwelling houſe of the ſaid at aforeſaid in the ſaid county, and there found late of labourer, late of the ſame, and late of forcibly with ſtrong hand and armed power holding the ſaid houſe, againſt the peace of our ſaid lord the king and againſt the form of the ſtatute in ſuch caſe made and provided: Therefore I ſend you, by the bringers hereof, the bodies of the ſaid and convicted of the ſaid forcible holding, by mine own view, teſtimony and record; commanding you in his ſaid majeſty's name to receive them into your ſaid gaol, and there ſafely to keep them, and every of them reſpectively, until they ſhall have reſpectively paid the ſeveral ſum of ten pounds of good and lawful money of *Great Britain*, to our ſaid ſovereign lord the king, which I have ſet and impoſed upon every of them ſeparately, for a fine and ranſom for their ſaid treſpaſſes reſpectively. Herein fail you not, at the peril that may follow thereof. Given at aforeſaid in the county aforeſaid, under my hand and ſeal the day of in the year of the reign of our ſaid ſovereign lord king *George* the third.

Record of a forcible detainer upon view, from lord Raym. *rep.* 1515.

Kent, *to wit.* } BE it remembered, that on the fifteenth day of *September* in the firſt year of the reign of our ſovereign lord *George* the ſecond, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, at *Beckingham* in the county of *Kent* aforeſaid, *Eliz. Elwell* complained to us *E. B. P. B.* and *W. P.* three of the juſtices of our ſaid lord the king aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, that Sir *Edm. Elwell*, late of *London*, bart. *J. B.* and *D. M.* into the meſſuage of her the ſaid *E. E.* being the manſion-houſe of her the ſaid *E. E.* called *Langley-houſe*, ſituate within the pariſh of *Beckingham* aforeſaid, did enter, and her the ſaid *E. E.* of the meſſuage aforeſaid, whereof the ſame *E. E.* at the time of the entry aforeſaid, was ſeized as of the freehold of her the ſaid *E. E.* for the term of her life, unlawfully ejected, expelled and amoved, and the ſaid meſſuage from her the ſaid *E. E.* unlawfully with ſtrong hand and armed power, do yet hold, and from her detain, againſt the form of the ſtatute in ſuch caſe made and provided; whereupon the ſame *E. E.* then, to wit, on the ſaid fifteenth day of *September*, at the pariſh of *B.* aforeſaid, prayeth of us ſo as aforeſaid being juſtices, to her in this behalf that a due remedy be provided according to the form of the ſtatute aforeſaid; Which complaint and prayer by us the aforeſaid juſtices being heard, we the aforeſaid *E. B.* baronet, *P. B* and *W. P.* eſquires, juſtices aforeſaid, to the meſſuage aforeſaid perſonally have come, and do then and there find and ſee the aforeſaid *Edm. E. J. B.* and *D. M.* the aforeſaid meſſuage with force and arms, unlawfully, with ſtrong hand and armed power, detaining, againſt the form of the ſtatute in ſuch caſe made and provided, according as ſhe the ſaid *E. E.* ſo as is aforeſaid hath unto us complained: Therefore

Therefore it is conſidered by us the aforeſaid juſtices, that the aforeſaid *Edmund Elwell*, *Joſeph Biſter*, and *Daniel Monty*, of the detaining aforeſaid with ſtrong hand, by our own proper view then and there as is aforeſaid had, are convicted, and every of them is convicted according to the form of the ſtatute aforeſaid; whereupon we the juſtices aforeſaid, upon every of the aforeſaid *Ed. E. J. B.* and *D. M.* do ſet and impoſe ſeverally a fine of ten pounds of good and lawful money of *Great Britain*, to be paid by them and every of them ſeverally to our ſaid ſovereign lord the king, for the ſaid offences; and do cauſe them and every of them then and there to be arreſted; and the ſame *Ed. E. J. B.* and *D. M.* being convicted, and every of them being convicted upon our own proper view, of the detaining aforeſaid with ſtrong hand as is aforeſaid, by us the aforeſaid juſtices are committed, and every of them is committed to the gaol of our ſaid lord the king, at *Maidſtone* in the county of *Kent* aforeſaid, being the next gaol to the meſſuage aforeſaid, there to abide reſpectively, until they ſhall have paid their ſaid ſeveral fines reſpectively, to our ſaid lord the king, for their reſpective offences aforeſaid. Concerning which the premiſſes aforeſaid we do make this our record. In witneſs whereof we the aforeſaid *E. B.* baronet, *P. B.* and *W. P.* eſquires, the juſtices aforeſaid, to this record our hands and ſeals do ſet, at the pariſh of *B.* aforeſaid, in the county of *Kent* aforeſaid, on the fifteenth day of *September*, in the firſt year aforeſaid of the reign of our ſaid ſovereign lord the now king.

E. Bellenſon.
P. Burrel.
W. Paſſenger.

Indictment for a forcible entry and detainer at common law.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid, gentleman, and late of the ſame, yeoman, together with divers other malefactors and diſturbers of the peace of our ſaid lord the king (whoſe names to the jurors aforeſaid are yet unknown) on the day of in the year of the reign of with force and arms, at aforeſaid, in the county aforeſaid, unlawfully and injuriouſly did enter into a certain barn and a certain orchard, then and there being in the poſſeſſion of one and that the ſaid and together with the ſaid other malefactors, then and there with force and arms, unlawfully and injuriouſly did expel, amove, and put out the ſaid from the poſſeſſion of the ſaid barn and orchard, and the ſaid ſo as aforeſaid, expelled, amoved, and put out from the poſſeſſion of the ſaid barn and orchard, then and there with force and arms unlawfully and injuriouſly did keep out, and ſtill do keep out, to the great damage of him the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment on the ſtatute.

Staffordſhire. } THE jurors for our ſovereign lord the king, upon their oath, preſent, That late of the pariſh of in the county aforeſaid, gentleman, on the day of in the year of the reign of was poſſeſſed of a certain meſſuage, with the appurtenances, ſituate, lying, and being in in the pariſh aforeſaid, in the county aforeſaid, for a certain term of years, then and ſtill to come, and unexpired, and being ſo poſſeſſed thereof, one late of in the ſaid county, yeoman, afterwards, to wit, the ſaid day of in the year aforeſaid, into the ſame meſſuage, with the appurtenances aforeſaid, in aforeſaid in the pariſh and county aforeſaid, with force and arms, and with ſtrong hand unlawfully did enter, and the ſaid from the peaceable poſſeſſion of the ſaid meſſuage with the appurtenances aforeſaid, then and there with force and arms, and with ſtrong hand, unlawfully did expel and put out; and the ſaid from the poſſeſſion thereof,

thereof, ſo as aforeſaid, with force of arms, and with ſtrong hand, being unlawfully expelled and put out, the ſaid him the ſaid from the aforeſaid day of in the year aforeſaid, until the day of taking this inquiſition, from the poſſeſſion of the ſaid meſſuage, with the appurtenances aforeſaid, with force and arms, and with ſtrong hand, unlawfully, and injuriouſly then and there did keep out and ſtill doth keep out, to the great damage of the ſaid againſt the peace of our ſaid lord the king, and againſt the form of the ſtatute in that caſe made and provided.

The inquiſition, indictment, or finding of the jury.

Staffordſhire. } AN inquiſition for our ſovereign lord the king, indented and taken at in the ſaid county, the day of in the year of the reign of by the oaths of and good and lawful men of the ſaid county, before eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſame county committed, who ſay upon their oaths aforeſaid, that of aforeſaid, yeoman, long ſince lawfully and peaceably was ſeized in his demeſne as of fee [*if it is not freehold, then ſay*, poſſeſſed] of and in one meſſuage, with the appurtenances, in aforeſaid, in the county aforeſaid, and his ſaid poſſeſſion [and ſeiſing] ſo continued until late of yeoman, late of the ſame, yeoman, and late of the ſame, yeoman, and other malefactors unknown, the day of now laſt paſt, with ſtrong hand and armed power, into the meſſuage aforeſaid, with the appurtenances aforeſaid, did enter, and him the ſaid thereof diſſeiſed, and with ſtrong hand expelled; and him the ſaid ſo diſſeiſed and expelled from the ſaid meſſuage, with the appurtenances aforeſaid, from the ſaid day of until the day of the taking of this inquiſition, with like ſtrong hand and armed power did keep out, and do yet keep out, to the great diſturbance of the peace of our ſaid lord the king, and againſt the form of the ſtatute in ſuch caſe made and provided.

We whoſe names are hereunto ſet, being the jurors aboveſaid, do, upon the evidence now produced before us, find the inquiſition aforeſaid true.

A. B.
C. D. &c.

Warrant to the ſheriff for reſtitution.

Staffordſhire. } ——— eſquire, one of the juſtices of our ſovereign lord the king aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed; to the ſheriff of the ſaid county, greeting. Whereas by an inquiſition taken before me the juſtice aforeſaid, at in the county aroreſaid, on this preſent day of in the year of the reign of upon the oaths of and by virtue of the ſtatutes made and provided in caſes of forcible entry and detainer, it is found, that late of yeoman, and late of yeoman, on the day of now laſt paſt, into a certain meſſuage, with the appurtenances, of of aforeſaid in the county aforeſaid, gentleman, ſituate, lying and being at aforeſaid in the county aforeſaid, with force and arms did enter, and him the ſaid thereof then with ſtrong hand did diſſeiſe and drive out, and him the ſaid thus driven out from the aforeſaid meſſuage with the appurtenances, from the day of aforeſaid, to this preſent day of the taking of the ſaid inquiſition, with ſtrong hand and armed force did keep out, and do yet keep out, as by the inquiſition aforeſaid more fully appeareth of record: Therefore, on the behalf of our ſaid ſovereign lord the king, I charge and command you, that taking with you the power of the county (if it be needful) you go to the ſaid meſſuage and other the premiſſes, and the ſame with the appurtenances

you cauſe to be reſeiſed, and that you cauſe the ſaid to be reſtored and put into his full poſſeſſion thereof, according as he, before the entry aforeſaid, was ſeiſed, according to the form of the ſaid ſtatutes. And this you ſhall in no wiſe omit, on the penalty thereon incumbent. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of

Precept to the ſheriff to return a jury.

Staffordſhire. } —— eſquire, one of the juſtices of our lord the king aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed; to the ſheriff of the ſaid county, greeting. On behalf of our ſaid lord the king, I command you, that you cauſe to come before me at in the county aforeſaid, on the day of next enſuing, twenty-four ſufficient and indifferent men of the neighbourhood of aforeſaid in the county aforeſaid, every of whom ſhall have lands or tenements of forty ſhillings yearly at the leaſt, above reprizes, to inquire upon their oaths for our ſaid lord the king, of a certain entry made with ſtrong hand (as it is ſaid) into the meſſuage of one at aforeſaid in the county aforeſaid, againſt the form of the ſtatute in ſuch caſe made and provided. And you are to return upon every of the jurors by you in this behalf to be impanelled, twenty ſhillings of iſſues at the aforeſaid day. And have you then there this precept; and this you ſhall in no wiſe omit upon the peril that ſhall thereof enſue. Witneſs the ſaid at in the county aforeſaid, the day of in the year of the reign of

The jurors oath.

YOU ſhall true inquiry and preſentment make of all ſuch things as ſhall come before you, concerning a forcible entry [*or* detainer] ſaid to have been lately committed in the dwelling houſe of yeoman, at in this county; you ſhall ſpare no one for favour or affection, nor grieve any one for hatred or ill-will, but proceed herein according to the beſt of your knowledge, and according to the evidence that ſhall be given to you. So help you GOD.

The oath that your foreman hath taken on his part, you and every of you ſhall truly obſerve and keep on your parts. So help you GOD.

Foreign Service.

Warrant to apprehend an artificer going to leave the kingdom; on ſtat. 5 Geo. 1, c. 27. See vol. 2, p. 194.

Staffordſhire, to wit. } *To the conſtable of*

WHEREAS information upon oath hath this day been made unto me one of his majeſty's juſtices of the peace for the ſaid county, that of in the ſaid county, hath contracted, or is preparing, to go out of his majeſty's dominions, to exerciſe his art or trade of a clock-maker (*or as the caſe is*) and teach it to foreigners,

reigners, contrary to the ſtatute in that caſe made: Theſe are therefore, in his majeſty's name, to command you to apprehend the ſaid and bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to anſwer the ſaid complaint, and be proceeded againſt according to law. Given under my hand and ſeal

Warrant to apprehend a perſon for engaging to inliſt in foreign ſervice; on ſtat. 9 Geo. 2, c. 30. See vol. 2, p. 196.

Staffordſhire, to wit. } *To the conſtable of*

WHEREAS information hath this day been made unto me, one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of that of in the ſaid county, hath inliſted [*or* entered himſelf, *or* engaged] to go beyond the ſeas with intent and in order to be inliſted to ſerve a foreign prince, that is to ſay, the *French* king, as a ſoldier, without his majeſty's leave, contrary to the ſtatute in that caſe made and provided: Theſe are therefore in his majeſty's name to command you to apprehend the ſaid and bring him before me or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be examined touching the premiſſes, and to be further dealt with according to law: And for your ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal this day of

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Foreſtalling, Ingroſsing, and Regrating.

Indictment for foreſtalling. See vol. 2, p. 204—229.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the county aforeſaid, yeoman, on the day of in the year of the reign of at the pariſh aforeſaid in the county aforeſaid, did buy and cauſe to be bought of and from one twenty oxen for the ſum of two hundred pounds of lawful money of *Great Britain*, as he the ſaid then and there was driving the ſaid twenty oxen towards the market of to ſell the ſaid twenty oxen in the ſaid market, and before the ſaid twenty oxen were brought into the ſaid market, where the ſame ſhould be ſold; in contempt of our ſaid lord the king and his laws; to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and againſt the form of the ſtatute in that caſe made and provided.

Indictment for ingroſſing.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid, yeoman, on the day of in the year of the reign of at aforeſaid, in the county aforeſaid, did ingroſs and get into his hands, by buying of and from one fifty quarters of wheat, to

to the intent to ſell the ſame again; to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, his crown and dignity, and againſt the form of the ſtatute in that caſe made and provided.

Indictment for regrating.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the county aforeſaid, yeoman, on the day of in the year of the reign of at the pariſh aforeſaid, in the county aforeſaid, *to wit*, in a certain market then and there holden, did buy, obtain, and get into his hands and poſſeſſion ten geeſe and twenty chickens, of and from one for the ſum of thirty ſhillings of lawful money of *Great Britain* (the ſaid geeſe and chickens then being brought to the ſaid market by the ſaid to be ſold); and that afterwards, *to wit*, on the ſame day of in the year aforeſaid, he the ſaid at the pariſh aforeſaid, in the county aforeſaid, in the ſaid market there, unlawfully did regrate the ſaid geeſe and chickens, and ſell the ſame again to one for the ſum of forty ſhillings of like lawful money of *Great Britain*, in contempt of our ſaid lord the king and his laws, to the evil example of all others in the like caſe offending, againſt the peace of our ſaid lord the king, and againſt the form of the ſtatute in that caſe made and provided.

Forgery.

Warrant to apprehend a perſon for forging a bond; on ſtat. 2 Geo. 2, c. 25. See vol. 2, p. 240.

Staffordſhire, *to wit.* } *To the conſtable of in the ſaid county.*

WHEREAS of in the ſaid county, was this day charged before me one of his majeſty's juſtices of the peace for the ſaid county, by the oath of of in the ſaid county, with feloniouſly forging a bond or writing obligatory of the penalty of pounds, conditioned for the payment of pounds to him the ſaid by of contrary to the ſtatute in that caſe made and provided: Theſe are therefore in his majeſty's name to require and authorize you to apprehend the ſaid and to bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be examined concerning the premiſſes, and to be further dealt with according to law. Given under my hand and ſeal, this

Commitment for forging a bond.

Staffordſhire. } *To the keeper of his majeſty's gaol at*

I Herewith ſend you the body of who was this day brought before me one of his majeſty's juſtices of the peace for the ſaid county, and charged upon the oath of with feloniouſly forging a bond or writing obligatory of the penalty of pounds, conditioned for the payment of pounds to him the ſaid by of contrary to the ſtatute in that caſe made: And I do hereby command you to receive the ſaid into your cuſtody, and him ſafely keep until he ſhall be diſcharged by due courſe of law. Given under my hand and ſeal, this

Indictment for forging a bond and publishing the same.

Staffordshire. THE jurors for our lord the king, upon their oath, present, That late of in the said county of *Stafford* and late of the same after the twenty-ninth day of *June* 1729, to wit, on the day of in the year of the reign of our sovereign lord *George* the third, now king of *Great Britain*, &c. with force and arms, at the parish of aforesaid, in the county aforesaid, feloniously, did falsely make, forge, and counterfeit, and did cause and procure to be falsely made, forged, and counterfeited, a certain bond, purporting to be signed by one (then deceased) in his life time, and to be sealed and delivered by the said in his life time, the tenor of which said bond is as followeth (*recite the bond literatim*) with an intent to defraud and executors of the last will and testament of the said of the sum of pounds, against the form of the statute in that case made and provided, and against the peace of our said lord the king, his crown and dignity; and the jurors aforesaid, upon their oath aforesaid, do further present, that the aforesaid and afterward, to wit, on the said day of in the said year of the reign of our said lord the king, at aforesaid, in the county aforesaid, a certain false, forged, and counterfeit bond purporting to have been signed by the said then deceased, in his life time, and to have been sealed and delivered by the said in his life time, with force and arms, feloniously did utter and publish, as a true bond; which said bond, so as aforesaid, falsely made and counterfeited, is in the words and figures following (*recite the bond again throughout literatim*) with an intent to defraud the said and executors of the last will and testament of the said of the said sum of pounds, the said and at the time of publishing of the said false, forged, and counterfeit bond, by them as aforesaid, then and there well knowing, and each of them well knowing the said to have been false, forged, and counterfeited, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity.

An indictment for forging and publishing an acceptance on a bill of exchange; on stat. 7 Geo. 2, c. 22. See vol. 2, p. 241.

Staffordshire. THE jurors for our lord the king, upon their oath, present, That late of labourer, on the day of in the year of the reign of our sovereign lord *George* the third, king of *Great Britain*, &c. at the parish of in the of in aforesaid, had in his custody a certain bill of exchange, purporting to be signed in the name of and to bear date at in parts beyond the seas, the day of in the year of our Lord directed to merchant, in for the payment of pounds sterling, to or order, two months after sight of the same bill: and that the same contriving and intending the governor and company of the *Bank* of *England*, and also the said of merchant, feloniously to deceive and defraud, after the 24th day of *June*, 1734, to wit, on the day of in the said year of the reign of our said lord the king, with force and arms, at the parish aforesaid, in the aforesaid, in aforesaid, wickedly, unlawfully, and feloniously, did falsely make, forge, and counterfeit, and did cause to be falsely made, forged, and counterfeited, on the same bill of exchange, an acceptance in writing, of him the said in the words and figures following, to wit, accepted 17 payable at Messrs. to the evil example of all others in the like case offending, against the form of the statute in such case made and provided, and against the peace of our said lord the king, his crown and dignity; and the jurors aforesaid, upon their oath aforesaid, do further present, That the said contriving and intending the governor and company of the *Bank* of *England*, and also the said of merchant, feloniously to deceive and defraud, on the said day of

in the ſaid year of the reign of our ſaid lord the king, with force and arms, at the pariſh aforeſaid, the ſaid writing falſely made and counterfeited, purporting to be the acceptance of a certain bill of exchange, and purporting to be ſigned in the name of and to bear date at aforeſaid, the ſaid day of in the year 17 aforeſaid, and to be directed to merchant in for the payment of pounds ſterling, to or order, two months after ſight of the ſaid bill, wickedly, unlawfully, fraudulently, and felonioufly, did publiſh and cauſe to be publiſhed, for, and as a true writing and acceptance of the ſaid which ſaid falſe, forged, and counterfeit writing, is in the words and figures following, to wit, accepted payable at Meſſrs. he the ſaid at the time of publiſhing the ſaid falſe and counterfeit writing, there, by him in form aforeſaid, well knowing the ſaid writing to have been falſely forged and counterfeited as aforeſaid, to the evil example of all others in the like caſe offending, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid lord the king, his crown and dignity.

Game.

Conviction for killing deer, from Tremain's *Entries* 328, 329 *which conviction was on the* 13 Car. 2, cap. 10, *but is here altered to grounds incloſed, to bring the offence within the* 3 W. cap. 10, *which is done by the addition only of the ſingle word* [*incloſed*] *with the alteration of the penalty.* See vol. 2, p. 286.

Cumberland. } BE it remembered, that on the third day of *September*, in the year of the reign of our lord *Charles* the Second, now king of, *&c.* the thirty-ſecond, one *Benjamin Granger*, of gent. cometh before me *John Aglionby*, eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king, in the ſaid county of *Cumberland*, at in the ſaid county, and giveth me to underſtand and be informed, that one *James Dobſon*, late of *J. B.* late of and *L. M.* late of on the twenty-fifth day of *Auguſt*, in the year of the reign of our ſaid lord the now king, the thirty-ſecond aforeſaid, in a certain park, then of the moſt noble *Henry* Duke of *Norfolk*, called *Grayſtock-park*, in the pariſh of *Grayſtock*, in the ſaid county, then and long before, and yet being ground incloſed, wherein deer then were, and long before had been uſually kept, unlawfully hunted, and a certain fallow deer of the ſaid duke then in the ſame park killed, took, and carried away, without the conſent of the ſaid duke, then owner of the ſaid park, or of *Andrew Huddleſton*, eſquire, then being chiefly intruſted with the cuſtody of the ſame park, againſt the form of the ſtatute in ſuch caſe made and provided: And afterwards, to wit, on the aforeſaid third day of *September*, in the thirty-ſecond year aforeſaid, two credible witneſſes, that is to ſay, *J. H.* of and *T. B.* of came before me the ſaid juſtice aſſigned, *&c.* at aforeſaid, and before me the ſaid juſtice aſſigned, *&c.* upon their oath on the holy goſpel of God, to them then and there by me the aforeſaid juſtice aſſigned, *&c.* by the authority of the ſtatute aforeſaid adminiſtered and given, do depoſe, ſwear and ſay, and each of them doth depoſe, ſwear and ſay upon their oath aforeſaid, that the aforeſaid *J. D. J. B.* and *L. M.* on the aforeſaid twenty-fifth day of *Auguſt*, in the thirty-ſecond year aforeſaid, in the aforeſaid park and ground incloſed of the aforeſaid duke of *Norfolk*, in the pariſh of *Grayſtock* aforeſaid, unlawfully hunted, and the aforeſaid fallow deer of him the ſaid duke then

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in the ſaid park and ground incloſed, took, killed, and carried away, without the conſent of the ſame duke, then owner of the ſaid park and ground incloſed, or of the aforeſaid *A. H.* eſquire, then with the cuſtody of the ſame park and ground incloſed, as is aforeſaid chiefly intruſted; and thereupon the aforeſaid *J. D. J. B.* and *L. M.* on the ſaid third day of *September*, in the thirty-ſecond year aforeſaid, before me the ſaid juſtice aſſigned, *&c.* by the oath of two credible witneſſes aforeſaid, according to the form of the ſtatute aforeſaid, are and every of them is convicted: And for the offence aforeſaid every of them the aforeſaid *J. D. J. B.* and *L. M.* according to the form of the ſtatute aforeſaid, hath ſeverally forfeited the ſum of thirty pounds; one third part thereof to the aforeſaid *R. G.* the informer in this behalf as is aforeſaid; another third part thereof to the uſe of the poor of the ſaid pariſh of within which pariſh the offence aforeſaid was committed; and the other third part thereof to the duke aforeſaid, owner of the deer aforeſaid. In witneſs whereof, I the aforeſaid juſtice, to this preſent record of the conviction as aforeſaid, have ſet my hand and ſeal, at aforeſaid, on the day and year firſt above mentioned.

John Aglionby.

Warrant of diſtreſs for hunting and killing deer; on the 3 W. cap. 10, ſect. 2, See vol. 2, p. 287.

Staffordſhire. } *To*

WHEREAS of yeoman, is this day duly convicted before me eſquire, one of his majeſty's juſtices aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers treſpaſſes and other miſdemeanors in the ſaid county committed, by the oath of of yeoman, a credible witneſs, for that the ſaid on the day of in the year of in a certain park then of in the pariſh of in the ſaid county, then and long before, and yet being ground incloſed wherein deer then were, and long before had been uſually kept, unlawfully did hunt, and a certain fallow deer of the ſaid then in the ſame park did kill, take, and carry away, without the conſent of the ſaid then owner of the ſaid park, or of any other perſon then chiefly intruſted with the cuſtody of the ſame park, againſt the form of the ſtatute in that caſe made and provided; by reaſon whereof he the ſaid hath forfeited the ſum of thirty pounds of lawful money of *Great Britain*, to be diſtributed as hereinafter is mentioned.

Theſe are therefore in his ſaid majeſty's name to command you to levy the ſaid ſum by diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum of thirty pounds, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained as aforeſaid, and out of the money ariſing by ſuch ſale, that you do pay one third part of the ſaid ſum of thirty pounds to of in the ſaid county, yeoman, who informed me of the ſaid offence, and one third part unto the churchwardens or overſeers of the poor of the ſaid pariſh of for the uſe of the poor of the ſaid pariſh, and the other third part to the ſaid owner of the ſaid deer; returning to him the ſaid the overplus upon demand; the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted. And if ſufficient diſtreſs cannot be had or found, by and on which the ſaid ſum of thirty pounds may be levied, you are hereby required to certify the ſame to me within two days after the date of this preſent warrant. Given under my hand and ſeal at in the county aforeſaid, the day of in the year of the reign of

Commitment for want of diſtreſs for hunting and killing deer; on the 3 Will. cap. 10, ſect. 2. See vol. 2, pag. 287.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the common gaol at in the ſaid county, and to the chief officer of the market-town of in the ſaid county, and to every of them.*

WHEREAS of labourer, was on the day of duly convicted before me, eſq. one of his majeſty's juſtices aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, by the oath of *A. W.* of yeoman, a credible witneſs, for that he the ſaid on the day of in the year, in a certain park then of , eſquire, in the pariſh of in the ſaid county, then and long before, and yet being ground incloſed, wherein deer then and long before had been uſually kept, unlawfully did hunt, and a certain fallow deer of the ſaid then in the ſame park did kill, take, and carry away, without the conſent of the ſaid then owner of the ſaid park, or of any other perſon then chiefly intruſted with the cuſtody of the ſame park, againſt the form of the ſtatute in ſuch caſe made and provided; by reaſon whereof he the ſaid hath forfeited the ſum of thirty pounds; and whereas on the ſaid day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of thirty pounds by diſtreſs of the goods and chattels of him the ſaid , and to pay over the ſaid ſum of thirty pounds according as is directed by the ſtatute aforeſaid; and whereas it duly appears to me, as well on the oath of the ſaid conſtable of as otherwiſe, that he the ſaid conſtable of hath uſed his beſt endeavours to levy the ſaid ſum of thirty pounds, on the goods and chattels of the ſaid as aforeſaid, but that no ſufficient diſtreſs can be found, wherein to levy the ſame; therefore in purſuance of the ſtatute aforeſaid, I do hereby command you the ſaid conſtable of him the ſaid to apprehend, and ſafely to convey to the ſaid common gaol at aforeſaid, in the county aforeſaid, and him to deliver to the keeper thereof aforeſaid, together with this precept: And I do hereby command you the ſaid keeper of the gaol aforeſaid, to receive into your cuſtody in the ſaid gaol him the ſaid and him there ſafely to keep for the ſpace of one whole year, ſaving that within the ſaid year you deliver him the ſaid to the chief officer of being the next market-town next adjoining to the place where the ſaid offence was committed, or to his under officer or officers, together with this precept, who are hereby reſpectively required to ſet the ſaid in the pillory in the ſaid market town by the ſpace of one hour, on ſome market-day: And hereof fail not, as you ſhall reſpectively anſwer the ſame at your perils. Given under my hand and ſeal at in the ſaid county, the day of in the year

Warrant to ſearch for veniſon or ſkins; on the 3 Will. c. 10, ſect. 3. See vol. 2, p. 287.

Staffordſhire. } *To the conſtable of*

WHEREAS of in the ſaid county, yeoman, hath this day made oath before me , eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, that divers fallow deer have of late been unlawfully killed in, and taken and carried away from the park and ground incloſed of at in the ſaid county, and that he the ſaid hath juſt cauſe to ſuſpect and doth ſuſpect that veniſon, or the ſkins of deer, or toils whereby to take and kill deer are concealed in the houſes, out-houſes,

out-houſes or other places belonging to the ſaid houſes of of yeoman, and of yeoman, at aforeſaid, in the county aforeſaid: Theſe are therefore, in his ſaid majeſty's name, and by virtue of the ſtatute in that caſe made and provided, to require you, that you do forthwith, upon ſight hereof, enter into and ſearch the ſaid houſes, out-houſes, and other places belonging to the ſaid houſes of them the ſaid and at aforeſaid; and if on ſuch ſearch you ſhall there find any veniſon, or ſkin of any deer, or toils aforeſaid, that you do apprehend the perſon or perſons in whoſe houſes, out-houſes, or other places aforeſaid, ſuch veniſon, ſkin, or toil ſhall be found, and him or them ſo apprehended do carry before ſome of his ſaid majeſty's juſtices of the peace in and for the ſaid county, to be examined concerning the premiſſes, and to be further dealt with according to law. Given under my hand and ſeal, the day of in the year

Warrant to levy thirty pounds for not giving an account how veniſon or ſkins are come by; on 3 & 4 Will. & Mar. c. 10. See vol. 2, p. 287.

Staffordſhire. } *To the conſtable of in the ſaid county.*

WHEREAS of aforeſaid hath been duly convicted before me, one of his majeſty's juſtices of the peace for the ſaid county, of having certain pieces of veniſon in his cuſtody, which upon ſearch were found in his houſe in the pariſh of aforeſaid, and not being able to produce the party of whom he bought the ſame, or ſome credible witneſs, to make oath of the ſale thereof to him, ſo that he hath forfeited the ſum of thirty pounds, according to the form of the ſtatute in that caſe made and provided: Theſe are therefore in his majeſty's name to require and authorize you forthwith to levy the ſaid ſum of thirty pounds ſo forfeited as aforeſaid, by diſtreſs and ſale of the goods and chattels of the ſaid ; and that you pay one third part thereof to who informed me of the ſaid offence, and that you diſtribute another third part thereof to and amongſt the poor of the pariſh of where the ſaid was convicted, and that you pay the other third part to of the owner. And if it ſhall happen that the ſaid ſhall not have any goods or chattels within your pariſh ſufficient to ſatisfy the ſaid forfeiture of thirty pounds, that then you certify me thereof, that ſuch further order may be taken therein, as is purſuant to the ſaid ſtatute: And hereof fail not. Given under my hand and ſeal this

Mittimus for pulling down or deſtroying pales in a park in the night-time; on the Stat. 3 & 4 W. & M. c. 10, ſect. 9. See vol. 2, p. 289.

Staffordſhire. } *To the keeper of his majeſty's gaol, at in the ſaid county.*

WHEREAS complaint, upon oath, hath been made before me one of his majeſty's juſtices of the peace for the ſaid county, that of did on the day of in the night-time, pull down and deſtroy ſeveral pales of the park of in the county aforeſaid, contrary to the ſtatute in that caſe made and provided: And whereas the ſaid hath been duly convicted before me of the ſaid offence, upon the oath of : Theſe are therefore in his majeſty's name to command you to receive the ſaid into your cuſtody, and him ſafely to keep in the ſaid gaol for the ſpace of three months. Given under my hand and ſeal this day of.

Warrant:

Warrant to ſearch ſuſpected houſes for fiſhing-nets, and to ſeize them; on the 4 & 5 W. & M. c. 23, ſect. 5. See vol. 2, pag. 352.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been made, upon oath, before me, that ſeveral trout, pike, and other fiſh, have been lately deſtroyed in the river of belonging to owner of the royalty thereof, ſuppoſed to be done by ſome idle and ill-diſpoſed perſons in your pariſh, and that within your ſaid pariſh, do keep nets, leaps, piches, and other inſtruments and engines for the deſtruction of fiſh, who is not qualified by law to do the ſame: Theſe are therefore, in his majeſty's name, to require and authorize you to enter into and ſearch the houſes, out-houſes, and other ſuſpected places of the ſaid within your ſaid pariſh, and to ſeize the nets, or other inſtruments for deſtruction of fiſh, that you ſhall find in his cuſtody, and bring the ſaid before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be dealt with according to law. Given under my hand and ſeal this day of

Warrant to levy the forfeiture of twenty pounds for importing fiſh taken by foreigners; on 1 Geo. 1, c. 18. See vol. 2, pag. 335.

Eſſex. } *To the conſtable of*

WHEREAS complaint hath been made unto me , eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of did in import into in the ſaid county, and in the realm of *England*, a certain quantity of freſh fiſh taken by foreigners and ſtrangers other than proteſtant ſtrangers dwelling in *England*, [*or* did uſe on the coaſts of *England* a net with meſhes of leſs than three inches and an half from knot to knot, to catch fiſh, other than herrings, pilchards, ſprats, or lavidnian, *or as the offence ſhall be*] contrary to the ſtatute in that caſe made and provided; of which ſaid offence the ſaid was lawfully convicted before me on the day of by reaſon whereof he hath forfeited the ſum of twenty pounds; Theſe are therefore to require and authorize you to levy the ſaid ſum of twenty pounds on the goods and chattels of the ſaid by diſtreſs and ſale thereof, rendering to him the overplus, if any ſhall be; and that you forthwith pay one moiety thereof to who firſt informed me of the ſaid offence, and the other moiety to the churchwardens and overſeers of the poor of the pariſh of where the ſame was committed, for the uſe of the poor thereof; and if no ſuch diſtreſs can be had, that then you certify me thereof, that ſuch further courſe may be taken therein as directed by law.

Mittimus for carrying a gun; on the ſtat. 33 H. 8, c. 6. See vol. 2, p. 343.

Staffordſhire. } *To the keeper of his majeſty's gaol at in the county of aforeſaid, and to his deputy or deputies there, and to every of them.*

WHEREAS this preſent day of and of did arreſt and bring before me at in the ſaid county, one late of in the ſaid county whom they had ſeen and found the ſame day, as they ſaid, ſhooting in a hand-gun charged with powder and hail-ſhot at a coney, in a certain place in within the ſaid

ſaid county, called contrary to the law of the realm, and thereupon prayed that juſtice might be done in that behalf; I , eſquire, being the next juſtice of the peace in the ſaid county, to the place aforeſaid, did then at aforeſaid, upon the ſaid requeſt, take the examination of the ſaid and did then and there alſo hear the proofs of them the ſaid and touching the ſaid offence. And for that it did then manifeſtly appear unto me, as well by the teſtimonies of them the ſaid and as alſo by the plain confeſſion of him that he the ſaid had not then lands, tenements, fees, annuities or offices to the yearly value of one hundred pounds, and that he had ſhot in the ſaid hand-gun in manner and form as is aforeſaid: I do ſend you herewithal the body of him the ſaid as lawfully convicted of the ſaid offence before me, requiring you in his majeſty's name to receive him into your ſaid gaol, and him there ſafely to keep, until he ſhall truly pay the pain and forfeiture of ten pounds of lawful money of *Great-Britain*, laid upon him for the ſaid offence, by the ſtatute made in the three and thirtieth year of the reign of king *Henry* the eighth, *viz.* the one moiety whereof to our ſovereign lord the king, and the other moiety to them the ſaid and the firſt bringers of him before me; and this ſhall be your ſufficient warrant in this behalf. Hereof fail not, as you will anſwer for your contempt, at your peril. Given under my hand and ſeal at aforeſaid, in the county aforeſaid, the day of in the year of the reign of

Record of the conviction for carrying a gun; on the 33 H. 8, c. 6. See vol. 2, p. 343.

Staffordſhire. BE it remembered that on the day of in the year of the reign of *A.* of yeoman, and *B.* of yeoman, one late of in the county aforeſaid, taylor, found and ſaw at in the county aforeſaid, the day and year aforeſaid, with a hand-gun charged with gun-powder and leaden hail-ſhot, ſhooting and diſcharging the ſaid gun at a certain coney, then being in a certain place there called , againſt the form of the ſtatute in that caſe made and provided; and therefore the day and year aforeſaid, him the ſaid at aforeſaid, they did arreſt and at aforeſaid, before me , eſquire, one (and next unto the ſaid place called) of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers trepaſſes and other miſdemeanors in the ſame county committed, there with them did bring, requeſting thereupon juſtice to be done; which requeſt being heard, I the ſaid at aforeſaid, the day and year aforeſaid, duly thereupon have examined the aforeſaid at aforeſaid, and the proofs of the aforeſaid *A.* and *B.* in this behalf have taken, and becauſe that as well by the proofs aforeſaid, as by the confeſſion of him the ſaid at aforeſaid, then and there it hath appeared to me manifeſtly, that the aforeſaid at aforeſaid, when he had not in his own right, nor in the right of his wife, to his own uſe, nor any other to the uſe of the ſaid lands, tenements, fees, annuities or offices to the yearly value of one hundred pounds, with the hand-gun aforeſaid, in manner and form aforeſaid, did ſhoot, againſt the form of the ſtatute aforeſaid; I the ſaid the aforenamed at aforeſaid, the day and year aforeſaid, to the next gaol of our ſaid lord the king at in the county aforeſaid (of the treſpaſſes aforeſaid before me convicted) committed, there to remain until the penalty and forfeiture of ten pounds of lawful money of *Great Britain* he ſhall truly pay, or cauſe to be paid; *to wit*, one moiety thereof to our ſaid lord the king, and the other moiety thereof to the ſaid *A.* and *B.* the firſt bringers of the ſaid before me as is aforeſaid. In witneſs of which, I the aforeſaid to theſe preſents have put my ſeal. Given at aforeſaid, the day and year firſt above written.

Warrant

Warrant to levy the forfeiture for deſtroying pheaſants eggs; on ſtat. 1 Jac. 1, c. 27. See vol. 2, page 367.

Staffordſhire, } *To the conſtable of in the ſaid county, and to the keeper of his majeſty's*
to wit. } *gaol in the ſaid county.*

WHEREAS it hath been duly proved before us, two of his majeſty's juſtices of the peace for the ſaid county, that of your pariſh, on or about the day of laſt paſt, in the pariſh of did take away from and deſtroy ſeveral pheaſants eggs in a neſt there, contrary to the ſtatute in that caſe made: Theſe are therefore, in his majeſty's name, to require and authorize you to apprehend the ſaid and to convey him to the common gaol in and for the ſaid county; and I do hereby command you, the keeper of the ſaid gaol, to receive the ſaid into your cuſtody, and him ſafely keep for the ſpace of three months, unleſs he forthwith pay to the church-wardens of the ſaid pariſh of for the uſe of the poor there, the ſum of twenty ſhillings, according to the directions of the ſtatute in that behalf made and provided. Given under our hands and ſeals this

Appointment of a game-keeper; on 22 & 23 Car. 2, c. 25, ſect. 2. (See vol. 2, page 261) 5 Ann. c. 14, ſect. 4. (See vol. 2, page 354) and 3 Geo. c. 11, ſect. 1. See vol. 2, page 359.

I ——— lord of the manor of do hereby nominate, authorize and appoint of in the county of yeoman, to be my game-keeper of and within my ſaid manor of in the county aforeſaid, with full power, licenſe and authority to kill any hare, pheaſant, partridge or any other game whatſoever in and upon my ſaid manor of for my ſole uſe and immediate benefit; and alſo to take and ſeize all other guns, bows, greyhounds, ſetting-dogs, lurchers, or other dogs to kill hares or conies, ferrets, tramels, lowbels, hays or nets, hare-pipes, ſnares, or other engines for taking or killing of conies, hares, pheaſants, partridges or other game, as within the precincts of my ſaid manor of ſhall be uſed by any perſon or perſons who by law are prohibited to keep or uſe the ſame. Given under my hand and ſeal this day of in the year, &c.

Warrant to ſearch for dogs and engines; on the 22 & 23 Car. 2, cap. 25, ſect. 2. See vol. 2, page 261.

Staffordſhire. } *To*

WHEREAS complaint hath been made unto me , eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, yeoman, that he the ſaid hath good ground to ſuſpect, and doth ſuſpect, that of aforeſaid, in the county aforeſaid, being a perſon in no reſpect qualified by the laws of this realm ſo to do, hath and keepeth in his cuſtody a greyhound, [gun, net, &c.] to kill and deſtroy the game: Theſe are therefore to command you, in his majeſty's name, to enter into and ſearch in the day-time, the houſes, out-houſes, and other places of him the ſaid at aforeſaid, and if you there find any greyhound, &c. that you ſeize and keep the ſame for the uſe of , eſquire, lord of the manor of in which manor the ſaid houſes, out-houſes, and other places are ſituate and do lie, or otherwiſe that you cut in pieces, and deſtroy the ſame. Given under my hand and ſeal the day of in the year, &c.

Warrant

Warrant to ſearch for ſnares; on 4 & 5 W. & M. c. 23, ſect. 3. See vol. 2, page 351.

Staffordſhire, to wit. } *To the conſtable of in the ſaid county.*

WHEREAS complaint hath been made before me, one of his majeſty's juſtices of the peace for the ſaid county, that the game hath been of late notoriouſly deſtroyed by the ſetting of ſnares, nets, and other engines in your pariſh, for taking and killing the ſame: Theſe are therefore, in his majeſty's name, to require and authorize you forthwith diligently to ſearch in the day-time the houſes and out-houſes of all ſuch perſons in your ſaid pariſh, as you ſhall ſuſpect to keep or uſe any ſnares, nets, or other engines for deſtroying the game, contrary to the form of the ſtatute in that caſe made and provided: and if you ſhall find any ſnares, nets, or other engines, or any hare, pheaſant, partridge, or other game, in the cuſtody or poſſeſſion of any perſon or perſons not qualified by law to kill the game, you are hereby required to ſeize the ſame, and to bring them, together with the perſon and perſons, in whoſe cuſtody or poſſeſſion ſuch ſnares, nets, and other engines or game ſhall be found, before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be examined concerning the premiſſes, and to be further dealt with according to law. Given under my hand and ſeal this day of 17

Warrant to levy the penalty for keeping ſnares to deſtroy game. See vol. 2, page 351.

Staffordſhire, to wit. } *To the conſtable of in the ſaid county.*

WHEREAS of hath this day been duly convicted before me, by the oath of that he hath, within days laſt paſt, kept and uſed ſnares for killing and deſtroying the game, and that he is not qualified by law to keep or uſe a ſnare, or any other engine for deſtroying the game: Theſe are therefore to require and authorize you forthwith to levy the ſum of twenty ſhillings, by diſtreſs and ſale of the goods and chattels of the ſaid which ſaid ſum is by me adjudged to be the penalty for his ſaid offence, and that you pay one moiety thereof to the church-wardens or overſeers of the poor of the pariſh of wherein the ſaid offence was committed, for the uſe of their poor, and the other to who informed againſt the ſaid according to the ſtatute in that caſe made and provided; and in default of diſtreſs, you are hereby required to certify me thereof, that ſuch further order may be taken therein as the law directs. Given under my hand and ſeal this

Warrant to levy the penalty on a perſon for having game in his cuſtody; on ſtat. 4 & 5 W. & M. cap. 23, ſect. 3. See vol. 2, page 351.

Staffordſhire, to wit. } *To the conſtable of in the ſaid county.*

WHEREAS of in the county aforeſaid, hath this preſent day been lawfully convicted before me, for that he did not give a good account how he came by a brace of hares, which were found in his houſe, in the pariſh of aforeſaid, upon ſearch made for that purpoſe, and not being able to produce the party of whom he bought the ſame, or ſome credible witneſs, to make oath of the

ſale thereof to him, purſuant to the ſtatute in that caſe made and provided: Theſe are therefore to require you forthwith to levy the ſum of ſhillings [*not under five ſhillings, or above twenty ſhillings for every hare, partridge, pheaſant,* &c.] by diſtreſs and ſale of the goods of the ſaid which ſaid ſum is by me aſcertained for his ſaid offence, as forfeited for the ſame; and that you pay one moiety to the church-wardens or overſeers of the poor of the ſaid pariſh where the ſaid offence was committed, for the uſe of the poor; and for want of ſuch diſtreſs, that you certify me thereof, that ſuch farther order may be taken therein as the law directs: And hereof fail not. Given under my hand and ſeal this

Mittimus for want of diſtreſs upon the foregoing warrant.

Staffordſhire, } *To the conſtable of in the ſaid county, and to the keeper of the houſe*
to wit. } *of correction in and for the ſaid county.*

WHEREAS you the ſaid conſtable was lately by my warrant required to levy ſhillings on the goods and chattels of of in the county of by diſtreſs and ſale thereof, which ſaid ſum was by him forfeited, for that he did not give a good account how he came by a brace of hares found, upon ſearch, in his houſe, in the pariſh of aforeſaid; and not being able to produce the party of whom he bought the ſame, or ſome credible witneſs to make oath of the ſale thereof unto him; of which ſaid offence the ſaid had been lawfully convicted before me: And whereas you the ſaid conſtable have informed and certified unto me that the ſaid hath not ſufficient goods and chattels whereon to diſtrain for the ſaid forfeiture: Theſe are therefore to require you forthwith to apprehend the ſaid and convey him to the houſe of correction in and for the ſaid county of together with this warrant: And I do hereby command you the ſaid keeper to take the aforeſaid into your cuſtody, and cauſe him to be whipped, and kept to hard labour for the ſpace of [*for any time not exceeding one month, and not leſs than ten days*] next enſuing the date hereof. Given under my hand and ſeal, this day of

Warrant againſt a perſon for keeping dogs and engines; on the 5 Ann. c. 14, ſect. 4. See vol. 2, p. 355.

Staffordſhire. } *To*

WHEREAS complaint hath this day beeen made before me one of his majeſty's juſtices of the peace in and for the county of aforeſaid, upon the oath of of in the ſaid county, yeoman, that of the pariſh of in the ſaid county, ſhoemaker, doth keep [*or* uſe] a greyhound, *&c.* to kill and deſtroy the game, he the ſaid not being qualified by the law of this realm ſo to do, contrary to the ſtatute in ſuch caſe made and provided: Theſe are therefore in his majeſty's name to command you, that you forthwith upon ſight hereof apprehend the ſaid and bring him before me, to anſwer the premiſſes and to be dealt with according to law. Given under my hand and ſeal the day of in the year of the reign of

Certiorari *bond on a conviction for keeping dogs or engines; on the* 5 Ann. cap. 14, ſect, 2. See vol. 2, p. 354.

KNOW all men by theſe preſents, *&c.* Whereas the above-bound was lately convicted before *J.* eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county of aforeſaid, of keeping and uſing at aforeſaid, in the

the ſaid county, a greyhound to kill and deſtroy the game; And whereas the ſaid hath ſince his ſaid conviction ſued out his majeſty's writ of *certiorari* to remove the ſame and the proceedings thereupon, before the king himſelf, wherever he ſhall be in *England*, on [*the day of the return of the certiorari*:] The condition of the above obligation is ſuch, that if the above do and ſhall (according to the true intent and meaning of the ſtatute in ſuch caſe made) well and truly pay to the ſaid within fourteen days after the ſame conviction ſhall be confirmed, or a *procedendo* granted thereupon, his full coſts and charges which he ſhall ſuſtain touching and concerning the ſaid conviction and removal thereof by the ſaid writ of *certiorari*, the above written obligation ſhall be void, otherwiſe of force.

A warrant againſt a higler having game in his poſſeſſion; on the 5 Ann. cap. 14, ſect. 2. See vol. 2, p. 354.

Staffordſhire. } *To the conſtable of*

WHEREAS *B.* of hath this day made oath before me one of his majeſty's juſtices of the peace in and for the ſaid county, that on the day of now laſt paſt, he the ſaid *B.* did ſee in the poſſeſſion of *A.* of in the pariſh of in the county aforeſaid, inn-keeper, at aforeſaid, in the pariſh and county aforeſaid, in the houſe of him the ſaid *A.* then and there one hare [*or* did ſee him offer to ſell one hare, *or as the caſe ſhall be*] he the ſaid *A.* being no way qualified by the laws of this realm to have the ſaid hare in his cuſtody or poſſeſſion, againſt the form of the ſtatute in that caſe made and provided: Theſe are therefore to command you to bring the ſaid *A.* before me or ſome other of his majeſty's juſtices of the peace for the ſaid county, to anſwer the premiſſes, and to be further dealt with according to law. Given under my hand and ſeal the day of in the year, &c.

Warrant to levy five pounds on the goods of a higler convicted of having game in his cuſtody; on the 5 Ann. cap. 14, ſect. 2. See vol. 2, p. 354.

Staffordſhire. } *To the conſtable of*

WHEREAS *A.* of in the pariſh of in the county aforeſaid, higler, is on this preſent day of in the year of the reign of duly convicted before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of *B.* a credible witneſs, for that the ſaid *A.* on the day of in the year of at the pariſh of aforeſaid, in the county aforeſaid, had in his cuſtody and poſſeſſion one hare, he the ſaid *A.* being no way qualified by the laws of this realm to have the ſaid hare in his cuſtody or poſſeſſion, againſt the form of the ſtatute in that caſe made; by reaſon whereof he the ſaid *A.* hath forfeited the ſum of five pounds: Theſe are therefore to require you to levy the ſaid ſum of five pounds by diſtreſs of the goods of him the ſaid *A.* and if within the ſpace of [five] days next after ſuch diſtreſs by you taken, the ſaid ſum of five pounds, together with reaſonable charges of taking and keeping the ſaid diſtreſs ſhall not be paid, that then you do ſell the ſaid goods ſo by you diſtrained as aforeſaid, and out of the money ariſing by ſuch ſale, that you do pay one half of the ſaid ſum of five pounds to *B.* of yeoman, who informed me of the ſaid offence, and the other half to the poor of the pariſh of aforeſaid, within which pariſh the ſaid offence was committed, returning to him the ſaid *A.* the overplus on demand; the reaſonable charges of keeping, taking and ſelling the ſaid diſtreſs being firſt deducted; and if ſufficient diſtreſs cannot be had of the goods of the ſaid *A.* that you certify the ſame to me, together with the return of this precept. Given under my hand and ſeal the day of in the year of

A commitment on the ſame for the want of diſtreſs; on 5 Ann. cap. 14, ſect. 2. See vol. 2, p. 354.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction, at in the ſaid county.*

WHEREAS *A.* of in the ſaid county, higler, was on the day of duly convicted before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of *B.* of a credible witneſs, for that he the ſaid *B.* on the day of in the year of at the pariſh of aforeſaid, in the county aforeſaid, had in his cuſtody and poſſeſſion one hare, he the ſaid *A.* being no way qualified by the laws of this realm to have the ſaid hare in his cuſtody or poſſeſſion, againſt the form of the ſtatute in that caſe made; by reaſon whereof he the ſaid *A.* hath forfeited the ſum of five pounds: And whereas on the ſaid day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of five pounds by diſtreſs and ſale of the goods of him the ſaid *A.* and to diſtribute the ſame according as is directed by the ſaid ſtatute; and whereas it duly appears to me, as well on the oath of the ſaid conſtable of as otherwiſe, that he the ſaid conſtable of hath uſed his beſt endeavours to levy the ſaid ſum on the goods of the ſaid *A.* as aforeſaid, but that no ſufficient diſtreſs can be found whereon to levy the ſame: Theſe are therefore to require you the conſtable of aforeſaid, to carry the ſaid *A.* to the ſaid houſe of correction at aforeſaid, and deliver him to the ſaid keeper thereof together with this precept; and you the ſaid keeper are hereby commanded to receive into your cuſtody, into the ſaid houſe of correction, him the ſaid *A.* and him there ſafely to keep for the ſpace of three months without bail or mainprize; and for your ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal the day of

A conviction of keeping dogs and engines; on the 5 Ann. c. 14, ſ. 4. See vol. 2, p. 355.

Staffordſhire. } BE it remembered that on the day of in the year of the reign of of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, at in the county aforeſaid, *A. I.* of cometh before me one of the juſtices of our lord the king, aſſigned to keep the peace of our ſaid lord the king in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, and giveth me the ſaid juſtice to underſtand and be informed, that on the day of in the year aforeſaid, at the pariſh of in the county aforeſaid, one *A. B.* of the pariſh aforeſaid, in the county aforeſaid, ſhoemaker, not then having lands and tenements, nor any other eſtate of inheritance in his own or his wife's right, of the clear value of one hundred pounds *per annum*, nor for term of life, nor any leaſe or leaſes of ninety-nine years, nor for any longer term, of the clear yearly value of one hundred and fifty pounds, nor then being ſon and heir apparent of an eſquire, nor of any other perſon of a higher degree, nor the owner or keeper of any foreſt, park, chace, or warren, nor game-keeper to any lord or lady of a manor, did keep and uſe a certain dog, called a greyhound, to kill and deſtroy the game, againſt the form of the ſtatute in that caſe made and provided. And afterwards, upon the aforeſaid day, and in the year firſt abovementioned, he the ſaid *A. B.* being brought before me by my warrant for that purpoſe, is aſked, by me the ſaid juſtice, if he can ſay any thing for himſelf why he the ſaid *A. B.* ſhould not be convicted of the premiſſes above charged upon him in form aforeſaid, who pleaded that he is not guilty of the ſaid offence; nevertheleſs, on the day aforeſaid, in the year aforeſaid, at aforeſaid in

in the county aforeſaid, one credible witneſs, to wit, *A. I.* of yeoman, cometh before me the aforeſaid juſtice, and before me the ſame juſtice, upon his oath, on the holy goſpel, to him then and there by me the aforeſaid juſtice adminiſtred, depoſeth, ſweareth, and upon his oath aforeſaid affirmeth and ſaith, that the aforeſaid *A. B.* on the day of aforeſaid, in the year aforeſaid, at the pariſh of aforeſaid, in the county aforeſaid, not then having lands and tenements nor any other eſtate of inheritance in his or his wife's right, of the clear yearly value of one hundred pounds *per annum*, nor for the term of life, nor any leaſe or leaſes of ninety-nine years, nor for any longer term, of the clear yearly value of one hundred and fifty pounds, nor then being ſon and heir apparent of an eſquire, nor of any other perſon of higher degree, nor the owner nor keeper of any foreſt, park, chace, or warren, nor game-keeper to any lord or lady of a manor, did keep and uſe a certain dog, called a grey-hound, to kill and deſtroy the game; and thereupon the aforeſaid *A. B.* the day and year aforeſaid, at aforeſaid, in the county aforeſaid, before me the ſaid juſtice, by the oath of one credible witneſs aforeſaid, according to the form of the ſtatute aforeſaid, is convicted: And for his offence aforeſaid hath forfeited the ſum of five pounds of lawful money of *Great Britain*, to be diſtributed as the ſtatute aforeſaid doth direct. In witneſs whereof I the ſaid juſtice to this preſent record of the conviction aforeſaid have ſet my hand and ſeal at aforeſaid, in the county aforeſaid, the day and year firſt above written.

Warrant to diſtrain five pounds for keeping dogs or engines; on the 5 Ann. c. 14, ſ. 4. See vol. 2, p. 355.

Staffordſhire. } *To*

WHEREAS *A. B.* of in the ſaid county, ſhoemaker, is this day convicted before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of *C. D.* a credible witneſs, for that he the ſaid *A. B.* being a perſon not qualified by the laws of this realm ſo to do, on the day of in the year of the reign of did keep and uſe in the pariſh of aforeſaid, in the county aforeſaid, a certain dog called a grey-hound, to kill and deſtroy the game; by virtue whereof he the ſaid *A. B.* hath forfeited the ſum of five pounds to be diſtributed as herein after is mentioned: Theſe are therefore in his majeſty's name to command you to levy the ſaid ſum by diſtreſs of the goods of him the ſaid *A. B.* and if within the ſpace of [four] days next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods ſo by you diſtrained, and out of the money ariſing by ſuch ſale that you do pay one half of the ſaid ſum of five pounds to *C. D.* of in the ſaid county, yeoman, who informed me of the ſaid offence; and the other half of the ſaid ſum of five pounds to the poor of the pariſh of aforeſaid, where the ſaid offence was committed, for the uſe of the poor of the ſaid pariſh, returning the overplus on demand unto him the ſaid *C. D.* the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted; and if ſufficient diſtreſs cannot be found of the goods of the ſaid *A. B.* whereon to levy the ſaid ſum of five pounds, that then you certify the ſame to me, together with the return of this precept. Given under my hand and ſeal the day of in the year of

A commitment for want of diſtreſs for keeping dogs and engines; on the 5 Ann. c. 14, ſ. 4. See vol. 2, p. 355.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction, at in the ſaid county.*

WHEREAS of in the ſaid county, ſhoemaker, was on the day of in the year of convicted before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of *C. D.* a credible wit-

neſs, for that he the ſaid *A. B.* not being a perſon by the laws of this realm qualified ſo to do, on the day of in the year aforeſaid, did keep and uſe in the pariſh of aforeſaid, in the county aforeſaid, a certain dog, called a grey-hound, to kill and deſtroy the game; by virtue whereof he the ſaid *A. B.* hath forfeited the ſum of five pounds of lawful money of *Great Britain*; and whereas on the ſaid day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of five pounds by diſtreſs and ſale of the goods of him the ſaid *A. B.* and to diſtribute the ſame according as directed by the ſtatute in that behalf made; and whereas it duly appears to me, as well on the oath of the ſaid conſtable as otherwiſe, that he the ſaid conſtable hath uſed his beſt endeavours to levy the ſaid ſum of five pounds on the goods of the ſaid *A. B.* as aforeſaid, but that no ſufficient diſtreſs can be had whereon to levy the ſame: Theſe are therefore to command you the ſaid conſtable of aforeſaid, to apprehend the body of the ſaid *A. B.* and him ſafely to convey to the houſe of correction at in the ſaid county, and there deliver him to the keeper thereof together with this precept; and I do alſo hereby command you the ſaid keeper of the ſaid houſe of correction, to receive into your cuſtody in the ſaid houſe of correction the ſaid *A. B.* and him there ſafely to keep for the ſpace of three months; and for ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal this day of in the year, *&c.*

Warrant and commitment of a game-keeper for ſelling game without authority; on ſtat. 5 Ann. c. 14, ſect. 4. See vol. 2, p. 356.

Staffordſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe*
to wit. } *of correction in and for the county aforeſaid.*

WHEREAS of hath lately made information upon oath before me, one of majeſty's juſtices of the peace for the ſaid county, that on the day of at aforeſaid, of in the ſaid county, game-keeper to lord of the manor of did ſell and diſpoſe of a brace of hares, three brace of partidges, *&c.* to of in the ſaid county, common higler; and the ſaid being this day ſummoned to appear before me to anſwer the premiſſes; and upon his examination not being able to produce the licence or conſent of the ſaid for his ſelling and diſpoſing of the game aforeſaid as the law directs: Theſe are therefore, in his majeſty's name, to require and authorize you the ſaid conſtable to convey the ſaid to the ſaid houſe of correction, and deliver him to the keeper thereof: And I do hereby command you the ſaid keeper to take the ſaid into your cuſtody, and cauſe him to be kept to hard labour for the ſpace of three months from the date hereof, for the offence aforeſaid. Given under my hand and ſeal, this day of

Warrant to levy five pounds upon one for killing a hare, not being qualified, but under pretence of being a game-keeper; on 3 Geo. 1, c. 11. See vol. 2, p. 359.

Staffordſhire. } *To the conſtable of*

WHEREAS of in the ſaid county of was this day convicted before me one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of of that he the ſaid did on the day of this inſtant, and within the manor of kill one hare, [or keep a grey-hound, or ſetting dog, *as the caſe is*] not being qualified by the law ſo to do, and not being truly employed by the lord of the ſaid manor to take or kill any game for his ſole uſe and benefit; by reaſon whereof he the ſaid hath forfeited 5*l.* purſuant to the ſtatute in that caſe made and provided:

vided: Theſe are therefore to require you forthwith to levy the ſaid ſum of five pounds on the goods and chattels of the ſaid by diſtreſs and ſale thereof; and that you pay one moiety thereof to who firſt informed me of the ſaid offence, and the other moiety to the overſeers of the poor of the pariſh of where the ſaid offence was committed, for the uſe of the poor thereof. Given under my hand and ſeal this

Gaming.

Commitment of a perſon for keeping an unlawful gaming-houſe; on 33 Hen. 8, cap. 9, *and* 2 Geo. 2, cap. 28. See vol. 2, p. 387, 402.

Staffordſhire. } *To the conſtable of* *and to the keeper of his majeſty's gaol in and for the ſaid county.*

WHEREAS hath this day been convicted before me one of his majeſty's juſtices of the peace for the ſaid county of keeping an unlawful gaming-houſe at in the ſaid county, and hath refuſed to give ſecurity for his not keeping ſuch gaming-houſe for the future, as the ſtatutes in ſuch caſe require: Theſe are therefore in his majeſty's name to require and authorize you the ſaid conſtable to convey the ſaid to the common gaol in and for the ſaid county; and I do hereby command you the ſaid keeper of the ſaid gaol to receive the ſaid and him ſafely keep in your cuſtody, until he ſhall give ſecurity as aforeſaid. Given under my hand and ſeal this day of

Warrant to apprehend a perſon for unlawfully gaming, having no viſible eſtate; on 9 Ann. cap. 14, ſect. 6. See vol. 2, p. 398.

Staffordſhire. } *To the conſtable of*

WHEREAS complaint hath been duly made before us, two of his majeſty's juſtices of the peace for the ſaid county, that of of the ſaid county of doth frequently uſe to play at cards, dice, or other unlawful games, in the pariſh of aforeſaid, and that he hath no eſtate, nor follows any employment to maintain himſelf, but lives chiefly by gaming and ſharping upon other people: Theſe are therefore in his majeſty's name to require and authorize you to apprehend the ſaid and bring him before us, or ſome other of his majeſty's juſtices of the peace for this county, to anſwer what ſhall be objected againſt him in that behalf, and to be dealt with according to law. Given under our hands and ſeals this

Commitment of a gameſter, for want of ſecurity, on the above ſtatute.

Staffordſhire. } *To the conſtable of* *and to the keeper of his majeſty's gaol in and for the ſaid county.*

WHEREAS it hath been duly proved before us that of your ſaid pariſh, on the day of did play at cards, dice, and other unlawful games, at the houſe of in aforeſaid, not having any viſible eſtate or employment for his

his ſupport and maintenance; and he the ſaid not being able to give ſufficient ſecurity for his good behaviour for the ſpace of twelve months, as the ſtatute directs: Theſe are therefore in his majeſty's name to require and authorize you the ſaid conſtable to convey the ſaid to the ſaid gaol, and to deliver him to the keeper thereof: And you the ſaid keeper are hereby required to receive the ſaid into your cuſtody, and him ſafely to keep in your ſaid gaol, until he ſhall give ſecurity as aforeſaid. Given under our hands and ſeals

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Hawkers and Pedlars.

Warrant to levy the forfeiture againſt a hawker for trading without a licence; on 9 &. 10 Wil. 3, c. 27, ſect. 3; and 3 & 4 Ann. c. 4, ſect. 4. See vol. 2, p. 494, 496.

Staffordſhire. } *To the conſtable of*

WHEREAS of chapman, hath this day been legally convicted before me one of his majeſty's juſtices of the peace for the ſaid county, of ſelling ſeveral goods in the pariſh of and of being a trading hawker or pedlar without licence, or being otherwiſe legally qualified to do the ſame, contrary to the ſtatute in that caſe made; whereby he hath forfeited the ſum of twelve pounds: Theſe are therefore in his majeſty's name to require and authorize you to levy the ſaid ſum of twelve pounds, by diſtreſs and ſale of the goods and chattels of the ſaid and to pay one moiety thereof to the proſecutor of the ſaid and informer of the ſaid offence, and the other moiety to the poor of the pariſh of according to the direction of the ſaid ſtatute. Given under my hand and ſeal this day of

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Highways.

The ſeveral degrees or denominations of perſons liable to perform the ſtatute-duty are as follow: (See vol. 2, p. 537, ſect. 23.)

1. Every perſon not keeping a team, draught, or plough.
2. Every perſon occupying lands, tenements, or hereditaments, of the yearly value of 50 *l.* or above.
3. Every perſon occupying lands, tenements, or hereditaments, of 10 *l.* and under 50 *l.* not keeping a team, draught, or plough.
4. Every perſon not keeping a team, draught, or plough, but occupying lands, tenements, or hereditaments, under the yearly value of 10 *l.*
5. Every inhabitant being of the age of eighteen, and under the age of ſixty-five, not being an apprentice or menial ſervant, nor having performed the ſaid duty, nor paid the compoſition for the ſame, in any other pariſh, townſhip, or place for that year.

Statute

Statute duty to be performed by the ſeveral degrees or denominations of perſons above-mentioned.

1. Every perſon of the firſt degree above-mentioned is to find and ſend every day, for ſix days, one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and alſo two able men, with each wain, cart, or carriage reſpectively. *See vol.* 2, *p.* 537, *ſect.* 23.

2. Every perſon of the ſecond degree, is to ſend one wain, cart, or carriage, furniſhed with not leſs than three horſes, or four oxen, and one horſe, or two oxen and two horſes, and two able men to each wain, cart, or carriage, (except in thoſe parts where carts with ſingle horſes are generally uſed; and there ſuch perſon ſhall ſend two carts with one horſe and one able man to each cart;) and in like manner for every 50*l.* he ſhall occupy; and ſuch perſon ſhall likewiſe find and ſend one ſufficient labourer for every 10*l.* *per annum* which he ſhall occupy above 50*l.* and leſs than 100*l.* and ſo for every 10*l.* that each progreſſive and intermediate annual value of 10*l.* ſhall fall ſhort of the further increaſe of 50*l.* and if carriages ſhall not be thought neceſſary by the ſurveyors, every perſon who ſhould have ſent ſuch carriage, ſhall for every carriage ſend three able men. *See vol.* 2, *p.* 537, *ſect.* 23.

Theſe are the words of the act; but as they may not be deemed ſufficiently intelligible to the generality of the perſons concerned, the following illuſtration of them is ſubmitted to the reader.

Let it be required to find the ſtatute-duty to be performed by a perſon who occupies lands, tenements, or hereditaments, of the yearly value of 96*l.* Firſt, it appears from the act, that for 50*l.* of this 96*l.* he muſt ſend one wain, cart, or carriage, furniſhed with not leſs than three horſes, or four oxen and one horſe, or two oxen and two horſes, and two able men to each wain, cart or carriage, (except in thoſe parts of this kingdom where carts with ſingle horſes are generally uſed; and in ſuch places every ſuch perſon ſhall ſend two carts, with one horſe and one able man to each cart.) Beſides which, 2dly, He muſt likewiſe find and ſend one ſufficient labourer for every 10*l.* *per annum* he occupies above 50*l.* and leſs than 120*l.* In the preſent caſe, for example, he muſt ſend four ſufficient men, becauſe he occupies four times ten pounds above 50*l.*

Again, let it be required to find the ſtatute-duty to be performed by a perſon occupying lands, tenements, or hereditaments, of the yearly value of 396*l.*

Firſt, It appears from this act that for the firſt 50*l.* he muſt ſend one wain, cart, or carriage furniſhed, *&c.* as above. But how many more is he to ſend? Anſwer, "and in like manner," ſays the act, "for every 50*l.* *per annum* reſpectively which he ſhall occupy in ſuch pariſh." Now as he occupies in the preſent inſtance ſeven times 50*l.* a year in all, it is evident that he muſt ſend ſeven wains, carts, or carriages, furniſhed, *&c.* as above. Thus far with reſpect to 350*l.* of the ſaid 396*l.* but for the additional 46*l.* what is he to do or ſend? "He ſhall," ſays the act, "find and ſend one ſufficient labourer for every ten pounds that each progreſſive and intermediate annual value of ten pounds ſhall fall ſhort of the further increaſe of 53*l.*" In the preſent caſe, therefore, he muſt find and ſend four ſufficient and able men, beſides the ſeven carriages, *&c.* above mentioned.

Now if either of the above perſons make default in performing the ſtatute-duty, what ſhall he forfeit? Anſwer. The firſt perſon, or he who occupies the value of 96*l.* a year, ſhall forfeit (*by ſect.* 24,) 10*s.* for not ſending the carriage, *&c.* furniſhed, *&c.* and for not ſending the four ſufficient and able men, he ſhall forfeit 1*s.* 6*d.* for each, or 6*s.* for the four. And therefore the whole forfeiture for the carriage and men is 16*s.*

The ſecond perſon, or he who occupies lands, *&c.* to the value of 396*l.* ſhall forfeit (*by ſect.* 24.) 10*s.* for every carriage, *&c.* or 3*l.* 10*s.* for ſeven carriages, *&c.*

and for not ſending the four ſufficient and able men, he ſhall forfeit 6 *s.* The whole forfeiture, therefore, for carriages and men, is 3 *l.* 16 *s.*

But the firſt perſon, or he who occupies lands, *&c.* to the value of 96 *l.* a year, may (*by ſect* 25) compound for the ſaid duty of ſending a carriage by paying to the ſurveyor ſuch ſum as the juſtices at their ſpecial ſeſſions, to be held on the firſt *Monday* in *October*, or within fifteen days next following, ſhall adjudge and declare to be reaſonable, not exceeding 6 *s.* nor leſs than 3 *s.* for each day; and in default of their adjudging and declaring the ſame 4 *s.* 6 *d.* for and in lieu of every ſuch day's duty. And every perſon liable to ſend a labourer in reſpect of his occupying lands, tenements, or hereditaments of the value of 10 *l.* or upwards, by ſuch progreſſion as aforeſaid, may compound for the ſame, by paying for every 10 *l. per annum* the ſum of 8 *d.* Now ſuppoſing the juſtices make no declaration with reſpect to the compoſitions for carriages, it is plain that the ſaid occupiers of 96 *l.* yearly, ſhall pay 4 *s.* 6 *d.* for not ſending a carriage, and for not ſending four men 2 *s.* 8 *d.* in all 7 *s.* 2 *d.* and if ſuch carriage ſhall not be thought needful by the ſurveyor, then ſuch perſon muſt ſend three able men, or pay 4 *s.* 6 *d.* according to ſect. 23, vol. 2, p. 537.

And the ſecond perſon, or he who occupies lands, *&c.* to the value of 396 *l.* yearly, may compound for the ſaid duty by paying in like manner 4 *s.* 6 *d.* for every carriage, and 8 *d.* for every man he ought to ſend; and therefore for the ſeven carriages he is obliged to ſend, he muſt pay 1 *l.* 11 *s.* 6 *d.* and for the four men he muſt pay 2 *s.* 8 *d.* in all 1 *l.* 14 *s.* 2 *d.* and if ſuch carriages ſhall not be thought needful by the ſurveyor, then ſuch perſon muſt ſend three able men for every carriage, or pay 4 *s.* 6 *d.* according to ſect. 23.

The juſtices precept to the conſtables to bring in a liſt of perſons fit to ſerve as ſurveyors of the highways; on ſtat. 7 Geo. 3, c. 42, ſect. 1. See vol. 2, p. 525.

County of Worceſter. } *To the* [*conſtables, headboroughs, or tythingmen,*] *of the* [*pariſh, townſhip, or place*] *of in the ſaid county, and to each of them.*

YOU are hereby required to give notice to the churchwardens, ſurveyor or ſurveyors of the highways and houſholders, being aſſeſſed to any parochial or public rate, within your ſaid that they do aſſemble together with you, the ſaid [conſtable, headborough, or tythingman,] at [the pariſh-church, or uſual place of public meetings of that pariſh, townſhip, or place,] on *Tueſday* the twenty-ſecond day of *September*, inſtant, at the hour of eleven in the forenoon; and that the major part of them ſo aſſembled do make a liſt of the names of at leaſt ten perſons, living within your ſaid [pariſh, townſhip, or place,] who each of them have an eſtate, in lands, tenements, or hereditaments, lying within the ſaid in their own right, or in the right of their wives, of the value of ten pounds by the year, or a perſonal eſtate of the value of 100 *l.* or are occupiers, or tenants of houſes, lands, tenements, or hereditaments, of the yearly value of 30 *l.* and if there be not ten perſons, having ſuch qualification as aforeſaid, then they ſhall inſert in ſuch liſt the names of ſuch perſons as are ſo qualified as above required, together with the names of ſo many of the moſt ſufficient and able inhabitants of the ſaid not ſo qualified, as ſhall make up the number of ten, if ſo many can be found; if not, ſo many as ſhall be there reſident, to ſerve the office of ſurveyor of the highways: with which ſaid liſt you and each of you are perſonally to appear before the juſtices of the peace for the ſaid county, at their ſpecial ſeſſions to be held for that purpoſe at within the ſaid in the county aforeſaid, on *Monday* the fifth day of *October* next following, [or in fifteen days after] at the hour of in the noon of the ſame day; that out of the ſaid liſt the ſaid juſtices then and there may, according to their diſcretion, nominate or appoint one, or two, or more of ſuch perſons as aforeſaid, to be ſurveyor, or ſurveyors

of

of the highways within the ſaid for the year now next following. And you the ſaid conſtables, and each of you, are hereby required to appear at the time and place aforeſaid, to give an account of the execution of this our precept. Given under our hands and ſeals at in the ſaid county, the day of *September*, 17

Notice in writing is to be given within three days after making the ſaid liſt, by the conſtable, headborough, or tythingman, to the ſeveral perſons contained in ſuch liſt, or left at their reſpective places of abode. See vol. 2, p. 526.

County of Worceſter. } *To*

WHEREAS on *Tueſday* laſt, the twenty-ſecond day of *September* inſtant, the conſtables, headboroughs, tythingmen, churchwardens, ſurveyor, [or ſurveyors] of the highways, and houſholders, aſſeſſed to parochial (or public) rates, of the ſaid pariſh of have aſſembled together at and the major part of them ſo aſſembled, have made a liſt of ten perſons, living within the ſaid pariſh, to ſerve the office of ſurveyor of the highways, purſuant to the ſtatute in that caſe made and provided. And whereas you the ſaid are one of the ſaid perſons named and contained in the ſaid liſt: Theſe are therefore to inform you of your being ſo named, in the ſaid liſt, as aforeſaid, to the intent that you may appear before the juſtices of the peace for the ſaid county, at their ſpecial ſeſſions to be held for that purpoſe, at within the ſaid in the ſaid county, on *Monday* the fifth day of *October*, now next following, (or in fifteen days after) at the hour of in the noon of the ſame day, to accept the ſaid office of ſurveyor, if you ſhould be appointed thereto, or to ſhew cauſe, if you have any, againſt your being ſo appointed. Dated this [within three after making the ſaid liſt] day of *September*, 17

A. B. Conſtable, [headborough or tythingman.]

Appointment of a ſurveyor of the highways, with a charge for the better performance of his duty, according to the directions of ſtat. 7 Geo. 3, c. 42. See vol. 2, p. 525.

County of Worceſter, *to wit.* } *At a ſpecial ſeſſions held at for the in the county of aforeſaid, the day of in the year of the reign of our ſovereign lord* George *the king of* Great Britain, *by and before his majeſty's juſtices of the peace for the ſaid county.*

BY virtue of an act of parliament made in the ſeventh year of the reign of his preſent majeſty king *George* the third, and in the year of our Lord 1767, intitled, *An Act to explain, amend, and reduce into one Act of Parliament the ſeveral Statutes now in being, for the Amendment and Preſervation of the publick Highways of this Kingdom, and for other Purpoſes therein mentioned:* We the ſaid juſtices do hereby nominate and appoint you of in the county aforeſaid, to be ſurveyor of the highways within your ſaid liberty, for one whole year next enſuing the date hereof, or until another ſhall be appointed in your room.

And we do hereby require you to take upon you, and duly execute, the ſaid office of ſurveyor, under the penalty of five pounds to be levied upon you. And the ſaid act requiring, that a charge ſhould be given you for the better performance of your duty, according to the directions of the ſaid act, we do hereby charge and make known to you,

That you are (within ſix days after being ſerved with this warrant of appointment) to ſignify your acceptance of ſuch office of ſurveyor, as aforeſaid, either in

perſon, or by writing, to one of us the ſaid juſtices, under the penalty of five pounds to be levied upon you. *Sect.* 1.

And you are to obſerve that no tree, buſh, or ſhrub, ſhall be permitted to ſtand or grow in any highway within the diſtance of fifteen feet from the centre thereof, but that the owner ſhall grub up and take the ſame away within ten days after notice given to him or her by you for that purpoſe, under the penalty of ten ſhillings; and that the poſſeſſors of lands adjoining to any highway, are from time to time to keep their hedges plaſhed, cut or pruned right up from the roots, ſo as no tree, buſh or ſhrub belonging to any ſuch hedge, do ſtand or grow in, nor any bough or branch of any ſuch tree (except of timber trees, and trees not being pollards) be ſuffered to hang over any highway, not being thirty feet broad; and that all ſuch occupiers of land are to make, keep, and cleanſe all ditches, drains, and water-courſes of a ſufficient depth and breadth for keeping the highways dry, and to make and lay ſufficient trunks, tunnels, platts or bridges, where any cartways lead out of the ſaid highways into the adjoining lands; and that ſuch occupiers of lands adjoining to or near ſuch highway, through which the water hath uſed to paſs from ſuch highway, are, as often as there ſhall be occaſion, to cleanſe and ſcower the ditches, water-courſes and drains, for ſuch water to paſs without obſtruction. And no perſon is to lay in any highway, any ſtone, timber, ſtraw, dung, or other matter, or permit any ſoil or earth, dug out of any ſuch ditches, drains, or water-courſes, to remain in the ſame for the ſpace of ten days, ſo as to cauſe any obſtruction, under the penalty of ten ſhillings, for every of the aforeſaid offences: And if any ſtone, or any hay, ſtraw, ſtubble, or other matter for making manure, ſhall be laid in any highway, within fifteen feet from the centre, ſo as to obſtruct the ſame, it is lawful for any perſon or perſons whatſoever to clear the ſaid highways, by removing ſuch ſtone, hay, ſtraw, dung, or other matter, and to take and diſpoſe of the ſame to his and their own uſe. *Sect.* 3, 4, 5.

And for preventing obſtruction in any ſuch highways, if any perſon ſhall wilfully place or leave any waggon, cart, or other carriage, or any plough or inſtrument of huſbandry in any highway, (except a reaſonable time for loading and unloading) ſo as to interrupt or hinder a free paſſage along the ſame; every perſon ſo offending ſhall forfeit the ſum of ten ſhillings. *Sect.* 7.

And the law requires you, at all proper times and ſeaſons, to view all the roads, common highways, trunks, tunnels, plats, bridges, cauſeways, and pavements within your liberty; and if you ſhall obſerve any nuiſances, incroachments, obſtructions, or annoyances, made, committed, or permitted in, upon, or to the prejudice of them, or any of them, contrary to the law, you are from time to time to give to every perſon or perſons doing, committing, or permitting the ſame, perſonal notice in writing, to be left at his, her, or their place of abode, ſpecifying the particulars wherein ſuch nuiſances, defaults, obſtructions, or annoyances conſiſt; and if ſuch nuiſances, obſtructions, or annoyances ſhall not be removed, and ſuch ditches, drains, gutters, and water-courſes aforeſaid, effectually made, ſcoured, cleanſed and opened, and ſuch trunks, tunnels, plats or bridges, made and laid, and ſuch hedges properly cut and pruned within twenty days after ſuch notice given, then you are authorized and empowered within twenty days afterwards to remove ſuch nuiſances, obſtructions, or annoyances, and open, cleanſe and ſcower ſuch ditches, gutters, and water-courſes, and make or amend ſuch trunks, tunnels, plats or bridges, and cut and prune ſuch hedges for the benefit and improvement of the ſaid highways to the beſt of your ſkill and judgment; and the perſon or perſons ſo neglecting to make or open, and cleanſe ſuch ditches, gutters, or water-courſes, or to cut or prune ſuch hedges, during the time aforeſaid, after notice given, will forfeit for every foot in length ſo neglected, the ſum of one penny; and you are to be reimburſed your charges and expences you ſhall be at in removing any ſuch nuiſances, obſtructions or annoyances, and making or cleanſing ſuch ditches, gutters and water-courſes, and in making or amending ſuch trunks, tunnels, plats or bridges, and in cutting and

pruning ſuch hedges reſpectively by the perſon or perſons who ought to have done the ſame, over and above the ſaid forfeiture; and in caſe ſuch perſon or perſons ſhall, upon demand, refuſe or neglect to pay you your charges and expences occaſioned thereby, you are to apply to a juſtice of the peace, and make oath before him of ſuch complaint. But no perſon is compelled, nor are you permitted to cut or prune any hedge at any other time than between the laſt day of *September*, and the laſt day of *February*, nor is any perſon obliged to fell any timber-trees growing in hedges at any time whatſoever, except where the highways ſhall be ordered to be enlarged, or to cut up any oak-trees growing within ſuch highway, or in ſuch hedges, except in the months of *April*, *May*, *June*, or *July*, or any other trees than in the months of *December*, *January*, or *February*. Sect. 8, 9.

And where the ditches, gutters or water-courſes which have been uſually made, ſhall not be ſufficient to carry off the water which ſhall annoy the highways, then you are, by the order of one juſtice, to make new ditches and drains through any lands or grounds that ſhall be neceſſary for effectually carrying off the water, and to ſcour and cleanſe the ſame; but you are to make proper tunnels or bridges over the ſame, where neceſſary for the uſe of ſuch lands, and to make the owner of ſuch land, not being waſte or common, ſatisfaction for the damages they ſhall ſuſtain. *Sect.* 10.

And you are required to make every cartway leading to any market-town twenty feet wide, at the leaſt, if the ground will admit of it, and to repair it that breadth; and where horſe-cauſeways are uſed, or ſhall be judged proper, they are not to be leſs than three feet in breadth. *Sect.* 11.

And you are alſo required, from time to time, to give information, upon oath, to two or more juſtices of the peace, of all highways, bridges, cauſeways or pavements upon ſuch highways as are out of repair, and ought to be repaired by any perſon or perſons, bodies politick or corporate, by reaſon of any grant, tenure, limitation or appointment of any charitable gift; and ſuch juſtices are to limit a time for repairing the ſame, of which you are to give notice to the occupier or occupiers of the lands or tenements liable to ſuch repairs, or to ſuch perſon or perſons, bodies politick or corporate, as are chargeable with the ſame. *Sect.* 14.

And as the law empowers two juſtices, at a ſpecial ſeſſions, by writing under their hands and ſeals, to order and appoint thoſe roads which do moſt want repair, to be firſt amended, and the time and manner the ſame ſhall be performed, according to which order you are required to proceed: And if ſuch juſtices ſhall at any ſuch ſeſſion iſſue their precept to you, with reſpect to your ſetting up and erecting a direction poſt, or ſtone where ſeveral highways meet, or at the entrance to ſuch parts of any highways as are ſubject to deep and dangerous floods, you are, within three months after ſuch precept to you directed and delivered, to cauſe ſuch ſtone or poſt to be fixed as aforeſaid; and if you neglect or refuſe, you will forfeit the ſum of twenty ſhillings; and you are to be reimburſed the expences of providing and fixing the ſame out of the monies you ſhall receive, purſuant to the directions of the ſaid act. *Sect.* 16, 18.

And for the better repairing and amending your highways, you may, without licenſe of the owner or owners thereof, take or cauſe to be taken away, any rubbiſh or refuſe ſtones of any quarry or quarries lying within your (except ſuch as ſhall have been got by the ſurveyor of any turnpike road) as you ſhall judge neceſſary, but not to get ſtone in ſuch quarry without the licenſe of the owner; and you may, for the uſe aforeſaid, in any common or waſte ground, river or brook, within your or within any other pariſh, townſhip or place, ſearch for, dig and get any gravel, ſand, chalk-ſtone, or other materials, ſo as you do not damage any building, highway, or ford thereby, nor get the ſame out of any river or brook within one hundred feet above and below any bridge, nor within the like diſtance of any pond, dam or wear, and likewiſe to gather ſtones lying upon any lands within your for ſuch purpoſe, and to take and carry away ſo much of the ſaid materials as you ſhall think neceſſary, to be employed in the amendment of the ſaid highways, without

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out making any satisfaction for the same; and if sufficient materials cannot conveniently be had within such common or waste lands, then you may, for the use aforesaid, search for, dig and get sand, gravel, chalk-stone, or other materials, in the land of any person or persons whomsoever within your (not being a garden, yard, avenue to a house, lawn, park, paddock, or inclosed plantation) and to take and carry away so much of the said materials as shall be necessary for the amendment of the said highways; but you are to make such satisfaction for the damage done to such lands, as shall be agreed upon between you and the owner or occupier, or other person interested in such land, in the presence, and with the approbation, of two or more substantial inhabitants of such and in case you cannot agree, then such satisfaction is to be settled by order of one or more justice or justices of the peace, acting for the place where such ground shall lie. *Sect.* 19, 20.

And as no provision is made for raising a fund to reimburse you the expences which you may incur, in performing the several particulars herein before mentioned and directed by the said act, you may apply to the justices of the peace at their special sessions, and make oath of the sum or sums of money which you have *bona fide* laid out and expended for such purposes as aforesaid; and such justices, or any two of them, may, pursuant to the said act, cause an equal rate to be made for reimbursing you such sums of money upon all the occupiers of lands, tenements and hereditaments within your according to the rules and methods prescribed in an act of the forty-third of *Elizabeth*, intitled, *An Act for the Relief of the Poor*; which rate, when allowed by the said justices, you are to collect; and in default of payment, you are to levy the same by distress and sale. *Sect.* 21.

And if you, or any other person employed by you, shall, in searching for, digging, or getting any materials for repairing the highways as aforesaid, make any pit or hole in any such lands, rivers or brooks, you are forthwith to cause the same to be fenced off, and to keep such fence in repair, during such time as the said pit or hole shall continue open; and you are within three days after any such pit or hole shall be opened or made, where no materials shall be found, to cause the same to be forthwith filled up and levelled; and where any such materials shall be found, you are, within fourteen days, after having dug up sufficient materials in such pit or hole, to cause the same to be filled up, sloped down, or fenced off, and so continued; and if you neglect your duty herein, you will for every such default forfeit the sum of ten shillings; and if you shall neglect your duty in the aforesaid particulars, for the space of ten days, after you shall have received notice for those purposes, from any justice of peace, or from the owner or occupier of such ground, river or brook, or any person having right of common within such common or waste lands as aforesaid; and such neglect and notice being proved upon oath, before one or more justices of the peace, you must forfeit and pay any sum not exceeding ten pounds, nor less than forty shillings for every such neglect, to be determined by such justice or justices. *Sect.* 22.

And you are to take notice, that you, together with the inhabitants, and the occupiers of lands, tenements, and hereditaments within your at proper seasons in every year, are to use your endeavours for the repairs of the highways, and are chargeable thereunto as followeth: every person keeping a team, draught, or plough in your are six days in every year, to be computed from *Michaelmas* to *Michaelmas*, to find and send, on every day, and at every place to be appointed by you for the amending of the highways in your one wain, cart or carriage, furnished after the custom of the country, with oxen, horses, or other cattle, and all other necessaries, meet to carry things convenient for that purpose; and also two able men with each wain, cart or carriage respectively; and every person occuping lands, tenements, or hereditaments of the yearly value of fifty pounds, or above, are also to send one wain, cart or carriage, furnished with not less than three horses, or four oxen and one horse, or two oxen and two horses, and two able men to each wain, cart or carriage, (except where carts with single horses are generally used) and in such places every such person shall send two carts, with one horse and one able man to each cart; and in like

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manner for every fifty pounds *per annum* respectively, which he, she or they shall so occupy in your and they are likewise to find and send one sufficient labourer for every ten pounds *per annum*, which they shall occupy above the annual value of fifty pounds, and less than one hundred pounds, and so for every ten pounds, that each progressive and intermediate annual value of ten pounds shall fall short of the further increase of fifty pounds; and every person occupying any such premisses of the yearly value of ten pounds, and under the yearly value of fifty pounds, who shall not keep such team, draught or plough, shall find one labourer for eve.y ten pounds *per annum*, which he shall so occupy, upon every of the said days, and at every place so to be appointed by you; and every person not keeping a team, draught or plough, but occupying such premisses under the yearly value of ten pounds in your and every man inhabiting therein, being of the age of eighteen, and under the age of sixty-five years, not being an apprentice or menial servant, nor having performed the said duty, or paid the composition for the same in any other place for that year, shall by themselves, or one sufficient labourer, for every of them, upon every of the said days, on which you shall call them forth, together with the other labourers, work and labour in the amendment of the highways as you shall direct them; and if the said carriages, or any of them, shall not be thought needful by you, then every such person who should have sent any such carriage, shall, according to the notice to be given, as hereafter is directed, send unto the said work, for every carriage so spared, three able men, or pay you the sum of four shillings and six-pence in lieu thereof; and every such persons aforesaid are to bring with them such shovels, spades, picks, mattocks, and other tools and instruments as are proper for the purposes aforesaid; and all such persons and carriages are diligently to perform the work and labour which you shall appoint, for eight hours in every of the said days within your or in getting and carrying materials to be employed in the repair of the said highways. *Sect.* 23.

And you are from time to time to give, or cause to be left at the house, or usual place of abode, of every person so liable to perform such duty or labour as aforesaid, four days notice of the day, hour and place, upon which each of the said days duty are required to be performed; and every person making default in sending such wain, cart or carriage furnished as aforesaid, and such able men, or in performing the said duty in manner aforesaid, or in paying the composition for the same as is herein after directed, will for every such default forfeit ten shillings: and every person making default in sending such labourer, or in performing such labour as aforesaid, or in paying the composition for the same, will for every such default forfeit one shilling and six-pence; and you are fairly and equally to require such duty and labour from every person liable to perform the same according to the aforesaid directions, without favour or partiality to any person; and you are required, within twenty-one days after every such default, to proceed for the recovery of the penalty for the same in manner herein after directed; and you are to take notice, that any person liable to perform the said duty, by sending a wain, cart or carriage in manner aforesaid, may compound for the same, if he, she or they shall think fit, by paying to you (two days before the first day on which such duty shall by such notice be required to be performed) such sum and sums of money as the said justices shall at their special sessions, to be held at the time in the said act directed, adjudge and declare to be reasonable, not exceeding six, nor less than three shillings a day; and in default of their declaring and adjudging the same, the sum of four shillings and six-pence in lieu of every such day's duty; and any person liable to send a labourer, in respect of his occupying premisses as aforesaid, of the yearly value of ten pounds or upwards, by such progression as aforesaid, may compound for the same, by paying you for every ten pounds *per annum*, the sum of eight-pence; and every householder, or other person occupying premisses as aforesaid, under the yearly value of ten pounds, and above the yearly value of three pounds, may compound for the same, by paying you the sum of six-pence; and every other inhabitant liable to perform such duty as aforesaid, may

compound

out making any ſatisfaction for the ſame; and if ſufficient materials cannot conveniently be had within ſuch common or waſte lands, then you may, for the uſe aforeſaid, ſearch for, dig and get ſand, gravel, chalk-ſtone, or other materials, in the land of any perſon or perſons whomſoever within your (not being a garden, yard, avenue to a houſe, lawn, park, paddock, or incloſed plantation) and to take and carry away ſo much of the ſaid materials as ſhall be neceſſary for the amendment of the ſaid highways; but you are to make ſuch ſatisfaction for the damage done to ſuch lands, as ſhall be agreed upon between you and the owner or occupier, or other perſon intereſted in ſuch land, in the preſence, and with the approbation, of two or more ſubſtantial inhabitants of ſuch and in caſe you cannot agree, then ſuch ſatisfaction is to be ſettled by order of one or more juſtice or juſtices of the peace, acting for the place where ſuch ground ſhall lie. *Sect.* 19, 20.

And as no proviſion is made for raiſing a fund to reimburſe you the expences which you may incur, in performing the ſeveral particulars herein before mentioned and directed by the ſaid act, you may apply to the juſtices of the peace at their ſpecial ſeſſions, and make oath of the ſum or ſums of money which you have *bona fide* laid out and expended for ſuch purpoſes as aforeſaid; and ſuch juſtices, or any two of them, may, purſuant to the ſaid act, cauſe an equal rate to be made for reimburſing you ſuch ſums of money upon all the occupiers of lands, tenements and hereditaments within your according to the rules and methods preſcribed in an act of the forty-third of *Elizabeth*, intitled, *An Act for the Relief of the Poor*; which rate, when allowed by the ſaid juſtices, you are to collect; and in default of payment, you are to levy the ſame by diſtreſs and ſale. *Sect.* 21.

And if you, or any other perſon employed by you, ſhall, in ſearching for, digging, or getting any materials for repairing the highways as aforeſaid, make any pit or hole in any ſuch lands, rivers or brooks, you are forthwith to cauſe the ſame to be fenced off, and to keep ſuch fence in repair, during ſuch time as the ſaid pit or hole ſhall continue open; and you are within three days after any ſuch pit or hole ſhall be opened or made, where no materials ſhall be found, to cauſe the ſame to be forthwith filled up and levelled; and where any ſuch materials ſhall be found, you are, within fourteen days, after having dug up ſufficient materials in ſuch pit or hole, to cauſe the ſame to be filled up, ſloped down, or fenced off, and ſo continued; and if you neglect your duty herein, you will for every ſuch default forfeit the ſum of ten ſhillings; and if you ſhall neglect your duty in the aforeſaid particulars, for the ſpace of ten days, after you ſhall have received notice for thoſe purpoſes, from any juſtice of peace, or from the owner or occupier of ſuch ground, river or brook, or any perſon having right of common within ſuch common or waſte lands as aforeſaid; and ſuch neglect and notice being proved upon oath, before one or more juſtices of the peace, you muſt forfeit and pay any ſum not exceeding ten pounds, nor leſs than forty ſhillings for every ſuch neglect, to be determined by ſuch juſtice or juſtices. *Sect.* 22.

And you are to take notice, that you, together with the inhabitants, and the occupiers of lands, tenements, and hereditaments within your at proper ſeaſons in every year, are to uſe your endeavours for the repairs of the highways, and are chargeable thereunto as followeth: every perſon keeping a team, draught, or plough in your are ſix days in every year, to be computed from *Michaelmas* to *Michaelmas*, to find and ſend, on every day, and at every place to be appointed by you for the amending of the highways in your one wain, cart or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and all other neceſſaries, meet to carry things convenient for that purpoſe; and alſo two able men with each wain, cart or carriage reſpectively; and every perſon occuping lands, tenements, or hereditaments of the yearly value of fifty pounds, or above, are alſo to ſend one wain, cart or carriage, furniſhed with not leſs than three horſes, or four oxen and one horſe, or two oxen and two horſes, and two able men to each wain, cart or carriage, (except where carts with ſingle horſes are generally uſed) and in ſuch places every ſuch perſon ſhall ſend two carts, with one horſe and one able man to each cart; and in like

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manner for every fifty pounds *per annum* reſpectively, which he, ſhe or they ſhall ſo occupy in your and they are likewiſe to find and ſend one ſufficient labourer for every ten pounds *per annum*, which they ſhall occupy above the annual value of fifty pounds, and leſs than one hundred pounds, and ſo for every ten pounds, that each progreſſive and intermediate annual value of ten pounds ſhall fall ſhort of the further increaſe of fifty pounds; and every perſon occupying any ſuch premiſſes of the yearly value of ten pounds, and under the yearly value of fifty pounds, who ſhall not keep ſuch team, draught or plough, ſhall find one labourer for every ten pounds *per annum*, which he ſhall ſo occupy, upon every of the ſaid days, and at every place ſo to be appointed by you; and every perſon not keeping a team, draught or plough, but occupying ſuch premiſſes under the yearly value of ten pounds in your and every man inhabiting therein, being of the age of eighteen, and under the age of ſixty-five years, not being an apprentice or menial ſervant, nor having performed the ſaid duty, or paid the compoſition for the ſame in any other place for that year, ſhall by themſelves, or one ſufficient labourer, for every of them, upon every of the ſaid days, on which you ſhall call them forth, together with the other labourers, work and labour in the amendment of the highways as you ſhall direct them; and if the ſaid carriages, or any of them, ſhall not be thought needful by you, then every ſuch perſon who ſhould have ſent any ſuch carriage, ſhall, according to the notice to be given, as hereafter is directed, ſend unto the ſaid work, for every carriage ſo ſpared, three able men, or pay you the ſum of four ſhillings and ſix-pence in lieu thereof; and every ſuch perſons aforeſaid are to bring with them ſuch ſhovels, ſpades, picks, mattocks, and other tools and inſtruments as are proper for the purpoſes aforeſaid; and all ſuch perſons and carriages are diligently to perform the work and labour which you ſhall appoint, for eight hours in every of the ſaid days within your or in getting and carrying materials to be employed in the repair of the ſaid highways. *Sect.* 23.

And you are from time to time to give, or cauſe to be left at the houſe, or uſual place of abode, of every perſon ſo liable to perform ſuch duty or labour as aforeſaid, four days notice of the day, hour and place, upon which each of the ſaid days duty are required to be performed; and every perſon making default in ſending ſuch wain, cart or carriage furniſhed as aforeſaid, and ſuch able men, or in performing the ſaid duty in manner aforeſaid, or in paying the compoſition for the ſame as is herein after directed, will for every ſuch default forfeit ten ſhillings: and every perſon making default in ſending ſuch labourer, or in performing ſuch labour as aforeſaid, or in paying the compoſition for the ſame, will for every ſuch default forfeit one ſhilling and ſix-pence; and you are fairly and equally to require ſuch duty and labour from every perſon liable to perform the ſame according to the aforeſaid directions, without favour or partiality to any perſon; and you are required, within twenty-one days after every ſuch default, to proceed for the recovery of the penalty for the ſame in manner herein after directed; and you are to take notice, that any perſon liable to perform the ſaid duty, by ſending a wain, cart or carriage in manner aforeſaid, may compound for the ſame, if he, ſhe or they ſhall think fit, by paying to you (two days before the firſt day on which ſuch duty ſhall by ſuch notice be required to be performed) ſuch ſum and ſums of money as the ſaid juſtices ſhall at their ſpecial ſeſſions, to be held at the time in the ſaid act directed, adjudge and declare to be reaſonable, not exceeding ſix, nor leſs than three ſhillings a day; and in default of their declaring and adjudging the ſame, the ſum of four ſhillings and ſix-pence in lieu of every ſuch day's duty; and any perſon liable to ſend a labourer, in reſpect of his occupying premiſſes as aforeſaid, of the yearly value of ten pounds or upwards, by ſuch progreſſion as aforeſaid, may compound for the ſame, by paying you for every ten pounds *per annum*, the ſum of eight-pence; and every houſholder, or other perſon occupying premiſſes as aforeſaid, under the yearly value of ten pounds, and above the yearly value of three pounds, may compound for the ſame, by paying you the ſum of ſix-pence; and every other inhabitant liable to perform ſuch duty as aforeſaid, may

compound

compound for the ſame, by paying you the ſum of four-pence in lieu of every ſuch day's duty, at leaſt two days before the firſt day, on which ſuch duty ſhall by ſuch notice be required to be performed. *Sect.* 24, 25.

And if the number of inhabitants in your liable to perform ſuch duty, conſiſt of two hundred perſons or upwards, you are, on the firſt or ſecond *Sunday* in *January* next, to cauſe ten days notice to be given in the church or chapel of your of the time and place where the perſons inclined to compound, may pay their compoſition-money; and every perſon who ſhall pay the compoſition allowed by the ſaid act, purſuant to ſuch notice, will be diſcharged from the performance of ſuch duty; but you are to permit no compoſition, unleſs the ſame ſhall be paid at the day, or within the time expreſſed in ſuch notice; but in caſes where the occupation of any lands, tenements or hereditaments ſhall be charged, or any new inhabitant ſhall come to reſide in your after the time appointed for ſuch payment, then ſuch perſon or perſons is allowed to compound in manner aforeſaid, provided he or they pay ſuch compoſition to you in fourteen days after they ſhall enter upon ſuch premiſſes, or come to reſide in your *Sect.* 26.

But no perſon or perſons keeping a team, draught or plough, and not occupying premiſſes above the yearly value of fifty pounds, are obliged to find or compound for more than one wain, cart or carriage, furniſhed as aforeſaid; and if any perſon or perſons ſhall keep any team, draught or plough for part of the year in your and for part in another pariſh, townſhip or place, then the duty is to be performed, where the perſon or perſons uſually reſide, and where the ſtatute-duty is by any acts of parliament directed, to be performed on any turnpike roads in your and as it may happen that the ſeveral perſons liable thereto may have compounded for the ſame with you, in ſuch caſes you are to pay to the treaſurer or ſurveyors of ſuch turnpike roads a part of the compoſition-money ſo received, proportionable to the number of days duty ſuch perſon or perſons were liable to perform on ſuch turnpike road. *Sect.* 27, 28.

And if upon application by you made to the ſaid juſtices, on oath, at their general or quarter-ſeſſions of the peace, it ſhall appear to them, that the duty and money by the ſaid act directed to be performed and paid, has been performed, applied and expended faithfully; and that the common highways, bridges, cauſeways, ſtreets, or pavements belonging to your are ſo far out of order that they cannot be ſufficiently amended and repaired by the means before preſcribed; (and notice being firſt given of ſuch intended application at the church or chapel in your on ſome *Sunday* preceding ſuch quarter-ſeſſions) that then and in ſuch caſe the ſaid juſtices may make an aſſeſſment or aſſeſſments, not exceeding ſix-pence in the pound for one year, upon all the occupiers of lands, tenements and hereditaments within your to be made and levied in ſuch manner as by the ſaid act is directed; and the money thereby raiſed is to be employed and accounted for according to the orders of the ſaid juſtices, towards the amending and repairing ſuch highways, cauſeways, ſtreets, pavements and bridges, from time to time, as need ſhall require. *Sect.* 29, 30.

And if any fine, iſſue, penalty or forfeiture ſhall be impoſed on your for not repairing the highways, or otherwiſe, under the directions of the ſaid act, ſhall hereafter be levied on any one or more of the inhabitants reſiding in your then, on the complaint of ſuch perſon or perſons, to two or more of the ſaid juſtices at their ſpecial ſeſſions, they may cauſe a rate to be made as in the ſaid act is directed, for reimburſing ſuch perſon or perſons the monies ſo levied on him or them as aforeſaid; which rate when ſo made, is to be collected and levied by you; and you are, within one month next after the making ſuch rate, to collect, levy and pay unto ſuch inhabitant or inhabitants, the money ſo levied on him or them as aforeſaid. *Sect.* 31.

And you are alſo carefully and diligently to collect all the rates, forfeitures, penalties and compoſitions to be received and taken by virtue of the ſaid act; and you are to keep one or more book or books in which you muſt fairly enter an account of all money as ſhall come to your hands by virtue of the ſaid act, and to whom and on what

what occaſion you have diſpoſed of the ſame: And you muſt enter in ſuch book a liſt of all ſums of money as ſhall remain due from any perſon or perſons on the ſeveral accounts aforeſaid; alſo enter therein an account of all tools, materials, implements, and other things provided for the repair of the highways at the publick expence of your And you are alſo at the ſaid ſpecial ſeſſion to be held on the firſt *Monday* in *October*, or within fifteen days after, to produce ſuch book or books to the juſtices then preſent, and you muſt there verify the ſeveral entries therein, on oath, before them, and within fourteen days after you are to deliver ſuch book or books, together with ſuch ſum of money as ſhall remain in your hands, and all tools, materials, implements, and other things as aforeſaid, to the ſucceeding ſurveyor for your And ſuch ſucceeding ſurveyor is required to recover, collect, and receive all ſums of money which ſhall be due and owing as aforeſaid, by all ſuch ways and means as you could or ought to receive and collect the ſame. And if you ſhall make default in paying the money in your hands as aforeſaid, you will forfeit double the value of ſuch money: and if you make default in any of the other particulars, you will forfeit the ſum of five pounds for every ſuch offence. *Sect.* 32.

You are to take notice, that every perſon who ſhall pull up or cut down, or remove any poſt, block, great ſtone, bank of earth, or other ſecurity ſet up or made for ſecuring horſe or foot cauſeways from carriages, or break, damage, or throw down any ſtones, brick or wood fixed upon any bridge, or obliterate, pull down, or deſtroy any mile-ſtone, poſt graduated, or direction-poſt erected or ſet upon any highway, ſhall, upon a complaint to a juſtice of peace, by the oath of one witneſs, forfeit for every offence any ſum not exceeding five pounds, nor leſs than ten ſhillings. *Sect.* 34.

And you are to take notice, that no waggon having the bottom of the fellies of the wheel of leſs breadth than nine inches, ſhall be drawn with more than ſix horſes; and no cart having the fellies of the wheels of leſs breadth than nine inches, ſhall be drawn with more than four horſes: And no waggon having the fellies of the wheels of the breadth of nine inches, ſhall be drawn with more than eight horſes; nor no cart having the fellies of the wheels of the like breadth, ſhall be drawn with more than five horſes upon any of the highways within your otherwiſe the owner or driver will forfeit all the horſes above the number before-mentioned, with all gears, bridles, halters and accoutrements to the ſole uſe and benefit of any perſon ſeizing the ſame: But the aforeſaid regulations do not extend to carts, waggons, or other carriages employed only in carrying any one ſtone, block of marble, or piece of metal or timber, or ammunition, or artillery for his majeſty's uſe, or to carts, waggons, or other carriages employed only in huſbandry, or manuring of land, or in carrying only hay, ſtraw, fodder, or corn unthraſhed till *Michaelmas*, one thouſand ſeven hundred and ſixty nine. *Sect.* 38, 40.

And every perſon making any ſeizure or diſtreſs for any of the forfeitures aforeſaid, muſt deliver the horſe or horſes, or other things ſo ſeized or diſtrained, into the cuſtody of the conſtable, headborough, tythingman, or ſome other officer of the place, where ſuch diſtreſs or ſeizure is made, or of the next pariſh, townſhip, or place; and they are required to receive into their cuſtody and ſafely to keep the ſame, till the perſon who made ſuch ſeizure ſhall make proof upon oath, before one juſtice, of the offence committed, and which they are required to make within ſix days after ſuch ſeizure, (or in default thereof ſuch horſe or other things ſhall be delivered to the owner thereof, and the perſon making ſuch ſeizure, is to pay ſuch reaſonable charges to the officer for keeping the ſame, as the ſaid juſtice ſhall direct) and the juſtice before whom ſuch proof is made is to iſſue his precept to the conſtable or officer immediately, to deliver the horſe or other things ſo diſtrained or ſeized to the ſeizor for his ſole uſe, paying ſuch reaſonable charges for keeping and ſecuring the ſame, as ſuch juſtice ſhall allow. And every perſon making any ſeizure, and not proſecuting ſuch ſeizure within the time and in manner aforeſaid, ſhall forfeit the ſum of forty-ſhillings to the owner for every ſuch ſeizure. *Sect.* 41.

And you are to obſerve, that the owner of every waggon, wain or cart, muſt place, write or paint upon ſome conſpicuous part of his waggon, wain or cart, before he ſhall drive the ſame on any public highway, his or her chriſtian and ſurname, and the place of their abode, in large legible letters, and continue it thereon ſo long as the ſame ſhall be uſed upon any ſuch highway; and in default thereof, every perſon ſo offending, will incur the penalty of twenty ſhillings for every ſuch offence. *Sect.* 42.

And if the driver of any cart, car, dray or waggon, ſhall ride upon any ſuch carriages, in any ſtreet or highway, not having a perſon to guide the ſame, either on foot or on horſeback, (ſuch carriages as are drawn by one horſe only, or by two a-breaſt and conducted by ſome perſon holding the reins of ſuch horſe or horſes excepted) or if the driver of any carriage whatſoever on any highway, ſhall by negligence or wilful miſbehaviour, cauſe any hurt or damage, to any perſon or carriages paſſing on ſuch highway, or obſtruct any perſon or carriage, in their free paſſage along the highway, or if the driver of any empty carriage ſhall refuſe or neglect to turn aſide and make way for any loaded carriage, every ſuch driver (not being the owner of ſuch carriage) offending in any of the caſes aforeſaid, and being convicted on oath before one juſtice, will incur the penalty of any ſum not exceeding ten ſhillings, at the diſcretion of ſuch juſtice; and in caſe the offender be the owner of ſuch carriage, then any ſum not exceeding twenty ſhillings: And any perſon ſeeing any ſuch offence committed, may, without any warrant, apprehend any ſuch offender, and deliver him to any conſtable or peace officer, in order to be taken before a juſtice of the peace. *Sect.* 43.

And every perſon who ſhall reſiſt or make forcible oppoſition againſt any perſon employed in the execution of the ſaid act, or ſhall hinder or attempt to prevent the ſeizing of any horſe, or reſcue any cattle or other goods diſtrained by virtue of the ſaid act, or if any conſtable or other peace officer ſhall refuſe, or neglect to execute any precept, or warrant of any juſtice, purſuant to the directions of the ſaid act, every perſon ſo offending, and being thereof convicted before one juſtice, will, for every offence, forfeit any ſum not exceeding ten pounds, nor leſs than forty ſhillings, at the diſcretion of the juſtice before whom ſuch conviction ſhall be made. *Sect.* 46.

And upon the twenty-ſecond day of *September* next, unleſs that day ſhall be on a *Sunday*, and then on the day following, you are to aſſemble together, with the conſtables, headboroughs, tything-men, church-wardens and houſholders, being aſſeſſed to any pariſh rate of your at the church or chapel, or if no ſuch, then at the uſual place of publick meeting in your at the hour of eleven in the forenoon, and the major part of them ſo aſſembled, are to make a liſt of ten perſons, living within your who each of them have an eſtate, in lands, tenements, or hereditaments, lying within your in their own right, or in the right of their wives, of the value of ten pounds a year, or a perſonal eſtate of the value of one hundred pounds, or are occupiers or tenants of houſes, lands, tenements, or hereditaments of the yearly value of thirty pounds; and if there ſhall not be ten perſons having ſuch qualifications, then they are to inſert in ſuch liſt, the names of ſo many of the moſt ſufficient and able inhabitants of your not qualified, as ſhall make up the number of ten, if ſo many can be found, if not ſo many, as ſhall be there reſident, to ſerve the office of ſurveyor of the highways in your and two parts out of the three of the perſons ſo to be aſſembled may, if they think proper, agree in the choice of any particular perſon of ſkill to ſerve the ſaid office of ſurveyor for your and ſettle a certain ſalary for his trouble therein: which liſt, together with the name of ſuch perſon if ſo choſe, the conſtable, headborough or tything-man of your are to return to the ſaid juſtices at their ſpecial ſeſſions, which the law requires to be held as aforeſaid for that purpoſe, on the firſt *Monday* in *October*, or within fifteen days after the time and place of holding, of which ſeſſions you will have publick notice given by the juſtices, according to the directions of the ſaid act; and if you, together with the aforeſaid perſons, ſhall neglect or refuſe to make ſuch liſt as aforeſaid, you and they will for ſuch default incur the penalty of forty ſhillings; and if

the

the conſtable or other proper officer of your ſhall neglect to return ſuch liſt to the juſtices as aforeſaid, he or they will likewiſe incur the penalty of forty ſhillings. *Sect.* 1.

And laſtly, you are to obſerve, (that after your acceptance of the office of ſurveyor as aforeſaid) that if you neglect your duty in any of the particulars herein before-mentioned, and which is required of you by the ſaid act, for which no particular penalty is impoſed, you will forfeit for every ſuch offence, any ſum not exceeding five pounds, nor leſs than ten ſhillings, at the diſcretion of a juſtice having juriſdiction therein, to be levied on you by diſtreſs. *Sect.* 35. And therefore, we do ſtrictly charge and require you from time to time, and at all times, whilſt you continue in the ſaid office, well and duly to execute the ſame at your peril.

Given under our hands and ſeals this day of in the year of the reign of our ſovereign lord by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and in the year of our Lord

Precept to the high-conſtable for returning new ſurveyors; on ſtat. 7 Geo. 3, c. 42, ſect. 1. See vol. 2, p. 525.

Worceſterſhire, *to wit.* } *To chief conſtable for the hundred of in the ſaid county.*

IN order to carry into execution an act made in the ſeventh year of the reign of his preſent majeſty, for the amendment and preſervation of the publick highways of this kingdom, you are hereby required forthwith, to iſſue your precepts or warrants to all the petty conſtables for the reſpective pariſhes, liberties, townſhips, or places within your hundred or diſtrict, that they do ſeverally and immediately give due notice to the headboroughs, tything-men, churchwardens, ſurveyors of the highways, and houſeholders, being aſſeſſed to any parochial or publick rate within their reſpective conſtablewicks, that they do aſſemble, together with the ſaid conſtable or conſtables of every ſuch reſpective pariſh, townſhip, or place, on *Tueſday* the twenty-ſecond day of *September* inſtant, at the church or chapel; or, if there ſhall be no church or chapel, then at the place of publick meeting within their reſpective pariſhes, townſhips or places, at the hour of eleven in the forenoon; and that the major part of them ſo aſſembled, do make a liſt of the names of, at leaſt, ten perſons living within ſuch their reſpective diſtricts, pariſhes, townſhips or places, who, each of them, have an eſtate in lands, tenements or hereditaments, lying within ſuch their reſpective pariſh, townſhip or place, in their own right, or in right of their wives, of the value of ten pounds by the year, or a perſonal eſtate of the value of one hundred pounds, or are occupiers or tenants of houſes, lands, tenements, or hereditaments, of the yearly value of thirty pounds; and if there ſhall not be ten perſons having ſuch qualification as aforeſaid, then, that they do inſert in ſuch liſt the names of ſo many of the moſt ſufficient and able inhabitants of ſuch reſpective pariſh, townſhip or place, not qualified, as ſhall make up the number of ten, if ſo many can be found; if not, ſo many as ſhall be there reſident to ſerve the office of ſurveyor of the highways; and alſo, that if two parts out of three of the perſons ſo to be aſſembled in any ſuch pariſh, townſhip or place, for the nomination of ſurveyors as aforeſaid, ſhall agree in the choice of any particular perſon of ſkill and experience to ſerve the ſaid office of ſurveyor for ſuch pariſh, townſhip or place, and in the ſettling of a certain ſalary for his trouble therein, that then, they do return the name of ſuch perſon ſo made choice of as aforeſaid, to the conſtable of ſuch particular pariſh, townſhip or place; with which ſaid liſt or liſts, the ſaid reſpective conſtables, headboroughs, or tything-men, are perſonally to appear before the juſtices of the peace for the ſaid county, at their ſpecial ſeſſions to be holden at at the houſe of known by the ſign of within the ſaid hundred on *Thurſday* the eighth day of *October*, now next enſuing,

enſuing, at the hour of ten o'clock in the forenoon of the ſame day, that out of the ſaid liſt or liſts, the ſaid juſtices then and there may nominate and appoint ſuch perſons to be ſurveyors of the highways within each reſpective pariſh, townſhip or place, for the year enſuing, as they ſhall think fit and approve of. And they are alſo required, within three days after making the ſaid liſt or liſts, to give perſonal notices to, or cauſe notices in writing, to be left at the places of abode of the ſeveral perſons contained in ſuch liſt or liſts, informing them of their being ſo named, to the intent that they may ſeverally appear before the ſaid juſtices, to accept ſuch office, if they ſhall be appointed thereto, or to ſhew cauſe, if they have any, againſt their being appointed: And they are likewiſe to give notice to the preſent ſurveyor or ſurveyors of the highways for every pariſh, townſhip or place within their reſpective conſtablewicks, to appear at the ſame time and place, and produce ſuch accounts and liſts, upon oath, before the ſaid juſtices, as are required by the ſaid act; and you the ſaid chief conſtable, together with the petty conſtables within your hundred or diſtrict, are hereby required to appear at the time and place aforeſaid, to give an account of the execution of this our precept. And this you the ſaid chief conſtable in no wiſe are to omit. Given under our hands and ſeals the day of *September*, 17

Appointment of a ſurveyor or ſurveyors; on ſtat. 7 Geo. 3, c. 42, ſect. 1. See vol. 2, p. 526.

County of Worceſter. } AT a ſpecial ſeſſions of the peace for the ſaid held at in the ſaid within the county aforeſaid, the day of in the year of the reign of by and before eſquires, juſtices aſſigned to keep the peace of our ſaid lord the king in the ſaid county:

We the ſaid juſtices do hereby nominate and appoint *A. B.* of in the ſaid [pariſh, townſhip or place] in the county aforeſaid to be ſurveyor of the highways within the ſaid pariſh, [*or, if more than one ſurveyor be appointed, then ſay,* and *C. D.* of in the ſaid to be ſurveyors] for one whole year next following the date hereof. Given under our hands and ſeals, the day and year firſt above written.

Warrant to levy the forfeiture for refuſing to ſerve the office of ſurveyor. See vol. 2, p. 527.

County of Worceſter. } *To the conſtable of*

WHEREAS *A. B.* of in the ſaid county, was at a ſpecial ſeſſions of the juſtices of the peace for the ſaid county, holden on *Monday* the 5th day of *October* inſtant, legally nominated and appointed to ſerve the office of ſurveyor of the highways of the ſaid pariſh; and whereas it is duly proved before me [*one juſtice is ſufficient. See ſect.* 47.] that the ſaid had notice of the ſaid appointment, and hath refuſed or neglected to appear and accept the ſaid office, [or hath not within ſix days after being ſerved with the warrant of his appointment as aforeſaid, ſignified his acceptance thereof, either in perſon, or by writing to one of the ſaid juſtices;] whereby he hath forfeited the ſum of five pounds; Theſe are therefore, in his majeſty's name, to command you to levy the ſaid forfeiture of five pounds, by diſtreſs and ſale of the goods and chattels of the ſaid rendering the overplus of ſuch diſtreſs, if any, to the ſaid after deducting the charges of making the ſame; and to pay one half of the ſaid forfeiture of five pounds, when ſo levied, to *C. D.* who hath informed me of the ſaid offence, and the other half to the ſurveyor of the highways of the ſaid where the ſaid offence happened, to be employed towards the repair of the ſaid highways. Given under my hand and ſeal this day of 17

Information

Information of the default of performing the ſtatute-duty; on the ſtatute 7 Geo. 3, c. 42, ſect. 23. See vol. 2, p. 537.

County of } BE it remembered, that this day of *A. B.* of in the ſaid
Worceſter. } county informeth and maketh oath, that of the aforeſaid, in the county aforeſaid being a perſon keeping a team, (draught or plough) [*or* being a perſon occupying lands, tenements, or hereditaments of a year (50*l.* or above) *or* being a perſon occupying lands, tenements, or hereditaments of (10*l.* and under 50*l.*) not keeping a team, (draught or plough) *or* being a perſon not keeping a team, (draught or plough) but occupying lands, tenements, or hereditaments under the yearly value of 10*l.* or being an inhabitant in the ſaid of the age of eighteen, and under the age of ſixty-five, and not being an apprentice, or menial ſervant, not having performed the ſtatute-duty, nor paid the compoſition for the ſame in any other pariſh, (townſhip, or place for this year,)] was duly ſummoned by him the ſaid *A. B.* to find and ſend on the day of now laſt paſt, at a place for that purpoſe appointed by *C. D.* ſurveyor for the amending the highways in the ſaid one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and all other neceſſaries meet to carry things convenient for that purpoſe, and alſo two able men with each wain, cart, or carriage reſpectively, [*or*, to ſend one wain, (cart, or carriage) furniſhed with not leſs than three horſes, or four oxen and one horſe, or two oxen and two horſes, and two able men to each wain, cart, or carriage, or to ſend two carts with one horſe and one able man to each cart, the ſaid (pariſh, townſhip, or place) being one of thoſe parts of this kingdom, where carts with ſingle horſes are generally uſed, and likewiſe to find and ſend one ſufficient labourer, (for every ten pounds, *&c.*) or, to find and ſend one ſufficient labourer, or, by himſelf, or one ſufficient labourer to work and labour in the amendment of the highways] but that he the ſaid did neglect and make default in finding and ſending on the ſaid day of at the place for that purpoſe appointed by the ſaid ſurveyor, one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and all other neceſſaries meet to carry things convenient for that purpoſe; and alſo two able men with each wain, cart, or carriage reſpectively, or in paying the compoſition money for the ſame, [*or*, did not find one wain, cart, or carriage, *&c. as the caſe ſhall be*] whereby the ſaid hath forfeited the ſum of and thereupon the ſaid prays judgment in the premiſes, and that he may have one half of the ſaid forfeiture, according to the form of the ſtatute in ſuch caſe made and provided. Taken in writing, and upon oath, before me one of his majeſty's juſtices of the peace for the ſaid county, at in the ſaid county, the day of aforeſaid in the year aforeſaid.

Summons on the foregoing information.

County of } *To* A. B. [the perſon informed againſt] *of the pariſh of* *in the ſaid*
Worceſter. } *county*,

WHEREAS complaint and information, upon oath, have been made before me one of his majeſty's juſtices of the peace for the ſaid county, againſt you the ſaid *A. B.* by of in the ſaid county, that you the ſaid being a perſon keeping a team, (draught or plough) [or, being a perſon occupying lands, tenements, or hereditaments, *&c. as the caſe ſhall be*] was duly ſummoned by *C. D.* ſurveyor of the highways for the ſaid to find and ſend on the day of now laſt paſt, at a place for that purpoſe appointed by the ſaid ſurveyor, one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and all other neceſſaries meet to carry things for that purpoſe, and alſo two able men with each wain, cart, or carriage, reſpectively; [or, to ſend one wain, cart,

cart, or carriage, furniſhed with not leſs than three horſes, *&c. as the caſe ſhall be*] but that you the ſaid did neglect and make default, in finding and ſending one wain, cart, or carriage, furniſhed as aforeſaid, and alſo two able men as aforeſaid, for the amending the highways in the ſaid as aforeſaid, or in paying the compoſition money for the ſame: theſe are therefore to require you perſonally, to be and appear before me on the day of at of the clock in the noon, at then and there to anſwer to the ſaid complaint and information againſt you by the ſaid who is likewiſe directed to be preſent at the time and place aforeſaid, to make good the ſaid complaint and information. Herein fail not. Given under my hand and ſeal this day of 17

Warrant of diſtreſs thereon.

County of Worceſter. } *To the conſtable of*

WHEREAS of in the county aforeſaid, is duly convicted before me one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of a credible witneſs, for that he the ſaid being a perſon keeping a team, (draught or plough) [or, being a perſon occupying lands, tenements, or hereditaments, of a year, *&c.* or otherwiſe, *as the caſe ſhall be*] was duly ſummoned by ſurveyor of the highways of the pariſh of in the ſaid county, to find and ſend on the day of laſt paſt, at a place for that purpoſe appointed by the ſaid ſurveyor, one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and all other neceſſaries meet to carry things convenient for that purpoſe, and alſo two able men with each wain, cart, or carriage, reſpectively; but that he the ſaid did neglect and make default in finding and ſending one wain, cart, or carriage, furniſhed as aforeſaid, with two able men as aforeſaid, for the amending the highways on the ſaid day of or in paying the compoſition money for the ſame; againſt the form of the ſtatute in that caſe made and provided; by reaſon whereof he the ſaid hath forfeited the ſum of which he hath neglected and refuſed to pay: theſe are therefore in his majeſty's name to command you to levy the ſaid ſum of by diſtreſs of the goods of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum of together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods ſo by you diſtrained as aforeſaid, and out of the money ariſing by ſuch ſale, that you do pay one half of the ſaid ſum of to the ſaid who informed me of the ſaid offence, and the other half to the ſaid ſurveyor, to be employed towards repair of the highways in the aforeſaid, rendering to him the ſaid the overplus upon demand, if any, after deducting charges of making the ſaid diſtreſs. And if ſufficient diſtreſs cannot be had of the goods of the ſaid that you certify the ſame to me, together with this warrant. Given under my hand and ſeal this day of 17

The return of the conſtable, to be indorſed on the foregoing warrant of diſtreſs.

I *A. B.* one of the conſtables of the pariſh of in the county of do hereby certify and make oath, that by virtue of this warrant I have made diligent ſearch for the goods of the within-named and that I can find no ſufficient goods whereon to levy the within ſum of As witneſs my hand this day of

Sworn before me this day of 17

Warrant of commitment for want of diſtreſs.

County of } *To the conſtable of and to the keeper of the common gaol [or houſe of*
Worceſter. } *correction] in the ſaid county.*

WHEREAS of in the ſaid county, was on the day of duly convicted before me one of his majeſty's juſtices of the peace for the ſaid county, upon the oath of a credible witneſs, for that he the ſaid on the day of at the pariſh of aforeſaid, in the ſaid county, did make default in finding and ſending one wain, cart, or carriage, *&c.* [*here inſert the offence*] contrary to the form of the ſtatute in that caſe made and provided; by reaſon whereof he the ſaid hath forfeited the ſum of and whereas on the ſaid day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of by diſtreſs and ſale of the goods of him the ſaid as is directed by the ſaid ſtatute: and whereas it duly appears to me, as well on the oath of the ſaid conſtable of as otherwiſe, that he the ſaid conſtable hath uſed his beſt endeavours to levy the ſaid ſum of on the goods and chattels of the ſaid but that no ſufficient diſtreſs can be found whereon to levy the ſame: theſe are therefore to require you the ſaid conſtable to convey the ſaid to the ſaid gaol, (*or* houſe of correction) and deliver him to the ſaid keeper thereof, together with this warrant; and you the ſaid keeper are hereby commanded to receive into your cuſtody the ſaid and him ſafely keep for the ſpace of [not exceeding three months] unleſs the ſaid penalty ſhall be ſooner paid Given under my hand and ſeal this day of 17.

CONVICTION.

County of } BE it remembered, that on this day of in the year of the
Worceſter. } reign of his preſent majeſty *A. B.* of the pariſh of in the county of cometh before me eſquire, one of the keepers of his majeſty's peace, and one of his juſtices aſſigned to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county of and giveth me the ſaid juſtice to underſtand and be informed that one of the pariſh of in the ſaid county on the day of now laſt paſt at in the ſaid county, did make default in finding and ſending one wain, cart, or carriage, *&c.* [*here inſert the offence*] contrary to the form of the ſtatute in ſuch caſe made and provided. And afterwards upon the day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, he the ſaid after being duly ſummoned, appeareth before me, and is preſent, in order to make his defence againſt the ſaid charge contained in the ſaid information; and I having heard the ſame, and he the ſaid being aſked by me, if he can ſay any thing for himſelf, why he ſhould not be convicted of the premiſes above charged upon him, he pleadeth that he is not guilty of the ſaid offence; nevertheleſs of a credible witneſs, being duly ſworn, on his oath, ſaith, that the aforeſaid in the year aforeſaid, at aforeſaid, in the county aforeſaid, did neglect and make default in finding and ſending one wain, cart, or carriage, *&c.* [*here again ſet forth the offence*] and thereupon the ſaid is convicted according to the form of the ſtatute aforeſaid, and for his offence aforeſaid, has forfeited the ſum of to be diſtributed as the ſtatute aforeſaid directs. Given under my hand and ſeal this day of 17

If he confeſs the fact, then ſay, And becauſe the ſaid hath nothing to ſay, nor can ſay any thing in his own defence, touching or concerning the premiſes aforeſaid, but doth of his own accord, freely and voluntarily acknowledge and confeſs, all and ſingular the ſaid premiſes, to be true, in manner and form as the ſame are charged upon him in the ſaid information; and becauſe all and ſingular the ſaid premiſes being heard, and fully underſtood by me the ſaid juſtice, it manifeſtly appears to me that

thee

the ſaid is convicted, &c. *or if the party hath been ſummoned and doth not appear, then ſay*, Whereupon, on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, he the ſaid was duly ſummoned in this behalf to appear before me, in order to make his defence, againſt the ſaid charge contained in the ſaid information; but the ſaid doth neglect to appear before me, and doth not appear, nor make any defence againſt the ſaid charge as aforeſaid: Therefore I the ſaid juſtice, on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, do proceed to examine into the truth of the ſaid complaint; and a credible witneſs, cometh before me, the juſtice aforeſaid, and before me the ſame juſtice, upon his oath, &c.

Another form of information of the default of performing the ſtatute duty, and ſummons thereon; on ſtat. 7 Geo. 3, c. 42, ſect. 23. See vol. 2, p. 537.

County of Worceſter, *to wit.* } *To the conſtable of in the ſaid county of and to all others his majeſty's officers of the peace for the ſaid county, whom the execution hereof may concern.*

WHEREAS complaint in writing and on oath hath this day been made before me one of his majeſty's juſtices of the peace for the ſaid county, by ſurveyor of the highways within That inhabitants in the ſaid have ſeverally had legal notice by the ſaid to do and perform their and each of their reſpective ſtatute duty and labour towards repairing and amending the highways in the ſaid for this preſent year, on certain proper days, lately appointed by the ſaid ſurveyor for that purpoſe: And that the ſaid ſeveral perſons have notwithſtanding ſuch notice ſeverally neglected and refuſed to do and perform ſuch their reſpective ſtatute-duty and labour, or to compound with the ſaid ſurveyor for the ſame, contrary to the ſtatute in that caſe made and provided. Theſe are therefore in his majeſty's name to command you forthwith on ſight hereof to ſummon the ſeveral perſons perſonally to be and appear before me on the day of at in the ſaid county, by of the clock in the noon of the ſame day, to anſwer unto the ſaid complaint, and ſeverally to ſhew cauſe (if they can) why the ſeveral ſums of money ſet and placed againſt their reſpective names, being the reſpective penalties in the ſaid act of parliament mentioned, and for that purpoſe made, and which they have ſeverally incurred, ſhould not be levied on them and each of them, their and each and every of their goods and chattels, for ſuch their refuſal and neglect. And you are hereby further required to attend me at the time and place abovementioned, to certify upon oath what you ſhall have done in the execution hereof. Herein fail not. Given under my hand and ſeal, this day of 17

Warrant of diſtreſs upon the preceding information, and ſummons.

County of Worceſter, *to wit.* } *To the conſtables, headboroughs, and other his majeſty's officers of the peace, for in the ſaid county, and alſo to ſurveyor of the highways, for*

WHEREAS complaint in writing and upon oath was made before me one of his majeſty's juſtices of the peace for the ſaid county, by you ſurveyor of the highways, for the ſaid That the ſeveral perſons whoſe names are here under-written, inhabitants within the ſaid have ſeverally had legal notice by you the ſaid ſurveyor to do and perform their and each of their reſpective ſtatute-duty and labour, towards repairing and amending the highways in the ſaid for this preſent year, on certain proper days, lately appointed by you the ſaid ſurveyor for that purpoſe, and that the ſaid ſeveral perſons whoſe names are here under-written, have notwithſtanding

notwithſtanding ſuch notice, ſeverally neglected and refuſed to do and perform ſuch their reſpective ſtatute-duty and labour, or to compound with you the ſaid ſurveyor for the ſame, contrary to the ſtatute in that caſe made and provided; by reaſon whereof the ſaid ſeveral perſons have forfeited the ſeveral ſums of money, for the ſeveral days defaults, here under ſet againſt their names reſpectively, being the reſpective penalties which they have ſeverally incurred, under and by virtue of the ſaid ſtatute. And whereas conſtable of hath this day alſo made oath before me, that he did, in purſuance of my ſummons, granted for that purpoſe, perſonally ſummon the ſaid ſeveral defaulters, perſonally to be and appear before me to anſwer unto the ſaid complaint, and ſeverally to ſhew cauſe, why the ſaid ſeveral and reſpective penalties ſhould not be levied on them and each of them, their, and each, and every of their goods and chattels, for ſuch their defaults; and they the ſaid defaulters have not, nor hath either of them ſhewed unto me any ſufficient cauſe, or offered any reaſonable excuſe for ſuch their defaults and refuſal. Theſe are therefore in his majeſty's name, to authorize and require you, that, in caſe of non-payment, upon your demand of the ſaid ſeveral and reſpective ſums of money, by the ſaid ſeveral defaulters, you do forthwith levy by diſtreſs of the goods and chattels of the ſaid ſeveral defaulters, the ſeveral and reſpective ſums of money hereunder ſet againſt their names reſpectively, and keep the ſame five days, and then (unleſs the ſaid ſeveral ſums ſhall be reſpectively paid by the ſaid ſeveral perſons, together with the reaſonable charges of taking and keeping ſuch reſpective diſtreſſes) to ſell and diſpoſe of the ſaid goods and chattels ſo diſtrained, rendering the overplus, if any be, to them reſpectively, the reaſonable charges of diſtraining being firſt deducted. And the ſaid ſurveyor is hereby required to employ the ſeveral ſums of money ſo levied, for and towards the repair of the ſaid highways, and to account for the ſame upon oath, purſuant to the ſaid ſtatute. And in defect of any ſuch reſpective diſtreſs, that you, or one of you, do certify the ſame unto me, to the end ſuch farther proceedings may be had in the premiſes, as the ſaid ſtatute directs. Herein fail not. Given under my hand and ſeal, this day of in the year of our Lord, 17

Defaulters names, to which the above warrant of diſtreſs refers.	Number of days default.	Penalties incurred.

Information of ſeizing a horſe; being above the number of horſes preſcribed and limited for drawing a waggon or four wheeled carriage, having the fellies of the wheels of leſs breadth than nine inches; on the ſtat. 7 Geo. 3, c. 40, ſect. 8. See vol. 2, p. 557.

County of Worceſter, *to wit.* } *The information of of in the county of taken on oath before me one of his majeſty's juſtices of the peace for the ſaid county of this day of in the year of our Lord* 17

WHO, upon his oath, ſaith, that on the day of he, this informant, ſaw a waggon belonging to of drawn upon the turnpike road, leading from to on that part of the ſaid turnpike road which lies in with horſes, mares, or geldings, the fellies of the wheels of which ſaid waggon were greatly under the breadth or gage of nine inches from ſide to ſide, contrary to the form of the ſtatute in that caſe made and provided; upon which he, this informant, immediately thereupon ſeized and diſtrained being horſe drawing in ſuch waggon, and that ſuch horſe delivered into the cuſtody and keeping of conſtable of in the

ſaid county of until he, this informant, could make due proof of ſuch ſeizure upon oath, as the ſaid ſtatute in that caſe made, requires.

Sworn and ſubſcribed by the above named } *the day and year above-written, before me* }

Summons to the owner of a horſe ſeized, purſuant to the foregoing Information; on the Stat. 7 Geo. 3, c. 40, ſect. 8. See vol. 2, p. 557.

County of Worceſter, *to wit.* } *To the conſtable of*

WHEREAS information in writing, and upon oath, hath this day been made before me one of his majeſty's juſtices of the peace for the ſaid county of by That on the day of he ſaw a waggon belonging to of drawn upon the turnpike road leading from to on that part of the ſaid turnpike road which lyes in with horſes, mares or geldings, the fellies of the wheels of which ſaid waggon were greatly under the breadth or gage of nine inches from ſide to ſide, contrary to the form of the ſtatute in that caſe made and provided: And that he the ſaid did immediately ſeize and diſtrain being horſe drawing in ſuch waggon: And that ſuch horſe was the ſame day delivered into the cuſtody and keeping of conſtable of in the county of until he the ſaid could make due proof of ſuch ſeizure upon oath, as the ſaid ſtatute in that caſe requires. Theſe are therefore in his majeſty's name to will and require you to ſummon the ſaid perſonally to be and appear before me at in the ſaid county of on the day of by of the clock in the noon of the ſame day, to anſwer the ſaid information, and to ſhew cauſe (if he can) why the ſaid horſe ſo ſeized and diſtrained as aforeſaid, by the ſaid ſhould not be forfeited to his ſole uſe and benefit. And alſo to ſhew cauſe why the ſum of twenty ſhillings ſhould not be levied on his goods and chattels, for ſuch his offence, to the uſe of the ſaid purſuant to the ſaid act. And you the ſaid conſtable are hereby further required to attend me at the time and place above-mentioned, to return to me what you ſhall have done in the execution hereof: Herein fail not. Given under my hand and ſeal this day of in the year of our Lord, 17

Warrant to deliver a horſe ſeized to the informer, after the preceding information and ſummons; on Stat. 7 Geo. 3, c. 40. See vol. 2, p. 557.

County of Worceſter. } *To conſtable of the Pariſh of in the ſaid county of*

WHEREAS information in writing and upon oath, made before me one of his majeſty's juſtices of the peace, for the ſaid county of by of the pariſh of in the county of that on the day of he ſaw a waggon belonging to of in the county of drawn upon the turnpike road leading from to on that part of the ſaid turnpike road which lies in with horſes, mares or geldings, the fellies of the wheels of which ſaid waggon were greatly under the breadth or gage of nine inches, from ſide to ſide, contrary to the form of the ſtatute, in that caſe made and provided: And that he the ſaid did immediately thereupon ſeize and diſtrain being horſe drawing in ſuch waggon, which ſaid horſe was the ſame day delivered into your cuſtody and keeping, until he the ſaid could make due proof of ſuch ſeizure upon oath, as the ſaid ſtatute in that caſe requires. And whereas by reaſon whereof, and by force of the ſaid ſtatute, I do hereby adjudge, that the ſaid is become legally forfeited to the

the ſaid the perſon who ſeized and diſtrained the ſame as aforeſaid These are therefore in his majeſty's name, and by force of the ſaid ſtatute, to will and require you immediately, upon ſight hereof, to deliver the aforeſaid in your cuſtody and keeping, ſo forfeited as aforeſaid, to the ſaid who ſeized and diſtrained the ſame, to and for his ſole uſe and benefit, he paying you your reaſonable charges and expences, for keeping and ſecuring ſuch horſe; and for your ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal, this day of in the year of our Lord, 17

Preſentment by a juſtice of peace on his own view: according to Stat. 7 Geo. 3, cap. 42, ſect. 15. See vol. 2, p. 533.

Staffordſhire. } AT a general quarter ſeſſions of the peace of our lord the king held for the county of aforeſaid, at in the ſaid county, on the day of in the year of the reign of before eſquires, and others, their companions, juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed eſquire, one of the juſtices of our ſaid lord the king aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, by virtue of the ſtatute in ſuch caſe made and provided, upon his own proper knowledge doth preſent, that from the time whereof the memory of man is not to the contrary, there was and yet is a certain common and ancient king's highway leading from the town of in the county of towards and unto uſed for all liege ſubjects of our ſaid lord the king, and his predeceſſors, with their horſes, coaches, carts and carriages, to go, return, paſs, ride, and labour at their will, and that a certain part of the ſame king's common highway commonly called ſituate, lying and being in the pariſh of in the ſame county, containing in length yards, and in breadth feet, on the day of in the year of the reign of and continually afterwards until this preſent day, at the ſaid pariſh of in the county aforeſaid, was and yet is very ruinous, miry, deep broken, and in great decay for want of due reparation and amendment of the ſame; ſo that the liege ſubjects of our ſaid lord the king through the ſame way with their horſes, coaches, carts and carriages, could not during the time aforeſaid, nor yet can go, return, paſs, ride and labour as they ought and were wont to do, to the great damage and common nuſance of all the liege ſubjects of our ſaid lord the king through the ſame highway going, returning, paſſing, riding and labouring, and againſt the peace of our ſaid lord the king; and that the inhabitants of the pariſh of aforeſaid, in the county aforeſaid, the common highway aforeſaid, (ſo as aforeſaid being in decay) ought to repair and amend when and ſo often as it ſhall be neceſſary. In teſtimony whereof the ſaid to theſe preſents hath ſet his hand and ſeal this day of in the year aforeſaid.

Indictment for ſtopping up a water-courſe, whereby the highway is overflowed.

Staffordſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the county aforeſaid on the day of in the year of the reign of with force and arms, at the pariſh aforeſaid, in the county aforeſaid, a certain antient water-courſe adjoining to the king's common highway, within the ſame pariſh, leading from the town of in the county aforeſaid, towards and unto with gravel and other materials, unlawfully and injuriouſly did obſtruct and ſtop up; and the ſaid water-courſe ſo as aforeſaid obſtructed and ſtopped up from the ſaid day of in the year aforeſaid, until the day of taking this inquiſition, at the pariſh aforeſaid in the county aforeſaid,

unlawfully and injuriously hath continued and still doth continue; by reason whereof the rain and waters that were wont and ought to flow and pass through the said water-course, on the same day and year, and divers other days and times afterwards between that day and the day of the taking of this inquisition, did overflow and remain in the king's common highway aforesaid, and thereby the same was and yet is greatly hurt and spoiled; so that the liege subjects of our said lord the king through the same way with their horses, coaches, carts and carriages, then and on the said other days and times could not nor yet can go, return, pass, ride, and labour, as they ought, and were wont to do, to the great damage and common nusance of all the liege subjects of our said lord the king, through the same highway going, returning, passing, riding and labouring, and against the peace of our said lord the king.

Indictment for not repairing a common highway.

Worcestershire. } THE jurors for our lord the king, upon their oath, present, That from the time whereof the memory of man is not to the contrary, there was and yet is a common and ancient king's highway, leading from the town of in the county of towards and unto the market-town of in the county of used for all the liege subjects of our said lord the king, and his predecessors, with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their will and pleasure; and that a certain part of the same king's common highway called situate, lying and being in the parish of in the county of aforesaid, containing in length feet, and in breadth feet, on the day of in the year of the reign of and continually afterwards, until the day of the taking of this inquisition, was, and yet is in great decay, for the want of due reparation and amendment of the same, so that the subjects of our said lord the king passing and travelling through the same, with their horses, coaches, carts, and carriages, could not, during the time aforesaid, nor yet can go, return, pass, ride, and labour, without great danger, to the great damage and common nusance of all the liege subjects of our said lord the king, passing through that way, and against the peace of our said lord the king, his crown and dignity; and that of aforesaid, gent. ought, by reason of the tenure of his lands and tenements, situate, lying, and being at aforesaid, in the county aforesaid, to repair and amend the said highway, when and so often as it shall be necessary.

Or that the inhabitants of the said parish of in the said county of the common highway aforesaid, so aforesaid being in decay, ought to repair and amend, when and so often as it shall be necessary.

Indictment for not repairing an ancient horse and foot-way.

Worcestershire. } THE jurors for our lord the king, upon their oath, present, That from the time of which the memory of man is not the contrary, there was, and yet is a certain common and ancient highway, leading from in the county of to in the county of for all the liege subjects of our now lord the king and his ancestors, on horseback and on foot, to go, return, pass, ride, labour, and drive their cattle at their will, and that a certain part of the same common highway, situate, lying, and being within the parish of in the county of aforesaid, containing in length feet, and in breadth feet, on the day of in the year of the reign of and continually afterwards, until the day of the taking of this inquisition, at the parish of aforesaid, in the county aforesaid, was, and yet is very ruinous, miry, deep, broken, and in such decay, for want of due reparation and amendment of the same, that the leige subjects of our said lord the king, by and through the same way, with their horses

and cattle, could not, during the time aforeſaid, nor yet can go, return, paſs, ride, and labour, as they ought and were wont to do, without great danger of themſelves and of their goods, to the great damage and common nuſance of all the leige ſubjects of our ſaid lord the king, through the ſame highway going, returning, paſſing, riding, and labouring, and againſt the peace of our ſaid lord the king, and that the inhabitants of the ſame pariſh of in the county aforeſaid, the ſame common highway, ſo as aforeſaid, being in decay, ought to repair and amend, when, and ſo often as it ſhall be neceſſary.

Indictment for incloſing the highway.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That whereas from the time whereof the memory of man is not to the contrary, it was uſed that the liege ſubjects of our ſaid lord the king had, and lawfully uſed, a certain common highway, at in the ſaid county, in a certain place there called leading from the town of aforeſaid, to the town of for themſelves and their goods, without any ſtoppage or hinderance, by any ditches, hedges, or other obſtacles whatſoever; nevertheleſs one of aforeſaid, in the county of aforeſaid, yeoman, on the day of in the year of the reign of with force and arms at aforeſaid, in the county of aforeſaid, in the place aforeſaid, called upon the common highway aforeſaid, a certain ditch and quickſet-hedge, did caſt up, ſet and erect, and the ſaid ditch and quickſet-hedge, ſo as is aforeſaid, caſt up, ſet, and erected, doth yet continue and keep, to the great ſtoppage and hinderance of the liege ſubjects of our ſaid lord the king, paſſing in and through the ſaid common highway, and againſt the peace of our ſaid lord the king.

Indictment for laying timber or other obſtructions in the highway; from Trem. Entr. 197.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid, yeoman, on the day of in the year of the reign of and on divers others days and times, as well before as afterwards, with force and arms, at in the ſaid county, in and upon the king's common highway there, leading from unto the town of divers great pieces of timber put and placed, and cauſed to be put and placed, and the ſame great pieces of timber ſo as aforeſaid put and placed, from the aforeſaid day of in the year aforeſaid, until the day of exhibiting this information, in and upon the king's common highway aforeſaid, to be, lie, and remain, hath permitted, and doth ſtill permit, to the grievous and common nuſance of all the lieges and ſubjects of the ſaid lord the king, upon and through the king's common highway aforeſaid, going, paſſing, riding, and travelling, and againſt the peace of our ſaid lord the king, his crown and dignity.

Or great quantity of dung and other filth, by reaſon whereof divers hurtful, and unwholeſome ſmells, from the ſaid dung and other filth, did then and there ariſe, and thereby the air there became, was, and is, corrupted and infected.

Or cart loads of rubbiſh by reaſon whereof the ſaid highway for the whole time aforeſaid, was ſtreightened and obſtructed, ſo that the liege ſubjects of our ſaid lord the king, could not ſo freely paſs and repaſs about their lawful buſineſs through the ſaid common highway there, as they ought to have been accuſtomed.

Indictment for incroaching upon a highway, by building thereupon; from Trem. Entr. 196.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of carpenter, the day of in the year of with force and arms, at in and upon a common highway, in a certain place commonly called there leading from to by a certain building there, containing in length feet, and in breadth feet, by him the ſaid erected and built, hath unlawfully and unjuſtly encroached and doth yet encroach, and the building aforeſaid, ſo as is aforeſaid erected and built by him the ſaid from the aforeſaid day of in the year aforeſaid, unto the day of exhibiting this information, at aforeſaid, in the county aforeſaid, with force and arms unlawfully and unjuſtly, hath continued, and doth yet continue, by reaſon whereof the common highway aforeſaid, hath become, and is greatly ſtreightened, ſo that the lieges and ſubjects of the ſaid lord the king, upon and through the ſame common highway aforeſaid, with their horſes, carts, and carriages, cannot go, paſs, ride, and labour as they ought and were wont to do, to the great and common nuſance of all the lieges and ſubjects of the ſaid lord the king, in and through the ſaid common highway going, paſſing, riding, and labouring, and againſt the peace of the ſaid lord the king.

Form

Form of a Book for a Surveyor of the Highways to keep his Accounts by.

In the 2d and 3d pages of a large bound paper book (or a few ſheets of paper may be uſed at firſt for a trial) let the following form be written. Then in page 4 [and 5 and 6, &c. according to the number wanted] enter the names of the ſeveral perſons in the *firſt* degree or denomination of perſons liable to perform the Statute-duty; namely, every perſon keeping a team, draught, or plough. [See page 128] Afterwards write in page 5 [and 6 and 7, &c. according to the number wanted] the names of the ſeveral perſons in the *ſecond* degree or denomination of perſons liable to perform the Statute-duty; namely, every perſon occupying lands, tenements, or hereditaments of the yearly value of 50*l.* or above. And in like manner inſert, in ſubſequent pages, the names of the perſons in the 3d and 4th degrees; annexing to every name, in figures, and in ſeparate columns, the Statute-duty, Penalty, Compoſition, and Rate, or Aſſeſſment, as directed by the Act of Parliament. See ſtat. 7 Geo. 3, c. 42, ſect. 3, in vol. 2, page 542.

ACCOUNT-BOOK of ———, Surveyor of the Highways in the Pariſh of ———, in the County of ———, for the Year beginning the ——— Day of ———, 17

Perſons liable to perform the Statute-duty.	Statute duty.	Penalties.	Compoſition.	Rate or Aſſeſſment.
1. Every perſon keeping a team, draught, or plough ——— ———	To find and ſend every day, for ſix days, one wain, cart, or carriage, furniſhed after the cuſtom of the country, with oxen, horſes, or other cattle, and alſo two able men with each wain, cart, or carriage reſpectively. See vol. 2, page 537, ſect. 23. ——— ———	Every perſon making default in finding and ſending each wain, cart, or carriage, furniſhed as aforeſaid, and ſuch able men with the ſame, or in performing the ſaid duty, or in paying the compoſition for the ſame, ſhall for every ſuch default or neglect forfeit 10*s.* And every perſon making default in ſending ſuch labourer, or in performing ſuch labour, or in paying the compoſition-money for the ſame, ſhall for every ſuch neglect forfeit 1*s.* 6*d.* And if carriages ſhall not be thought neceſſary by the ſurveyor on any of the ſaid days, then every perſon who ſhould have found and ſent any ſuch carriage, ſhall, according to notice, ſend for every carriage ſo ſpared, three able men, or pay to the ſurveyor 4*s.* 6*d.* See vol. 2, p. 537, ſect. 23.	1, 2. Every perſon liable to perform the ſaid duty, by ſending a wain, cart, or carriage, may compound for the ſame, by paying to the ſurveyor ſuch ſums as the juſtices at their ſpecial ſeſſions to be held on the firſt *Monday* in *October*, or in fifteen days after, ſhall declare to be reaſonable, not exceeding ſix ſhillings, nor leſs than three ſhillings; and in default of ſuch declaration by the juſtices, the ſum of 4*s.* 6*d.* ſhall be paid for and in lieu of every ſuch day's duty. See vol. 2, p. 539, ſect. 25.	
2. Every perſon occupying lands, tenements, or hereditaments of 50*l.* a year or above ——— ———	To ſend one wain, cart, or carriage, furniſhed with not leſs than three horſes or four oxen, and one horſe or two oxen, and two horſes and two able men to each wain, cart, or carriage (except in thoſe parts where carts with ſingle horſes are *generally* uſed; and there ſuch perſon ſhall ſend two carts, with one horſe, and one able man to each cart); and in like manner for every 50*l.* he ſhall occupy; and ſuch perſon ſhall likewiſe find and ſend one ſufficient labourer for every 10*l.* per annum he ſhall occupy above 50*l.* and leſs than 100*l.* and ſo for every 10*l.* that each progreſſive and intermediate annual value of 10*l.* ſhall fall ſhort of the further encreaſe of 50*l.* And if carriages ſhall not be thought needful by the ſurveyor, every perſon who ſhould have ſent ſuch carriage, ſhall ſend three able men. See vol. 2, p. 537, ſect. 23.		2, 3. Every perſon liable to ſend a labourer, in reſpect of his occupying lands, tenements, or hereditaments of 10*l.* per annum or upwards, *by ſuch progreſſion as aforeſaid*, may compound for the ſame, by paying for every 10*l.* per annum, the ſum of 8*d.* See vol. 2, p. 539, ſect 25.	
3. Every perſon occupying lands, tenements, or hereditaments of 10*l.* and under 50*l.* not keeping a team, draught, or plough ——— ———	Shall find and ſend a ſufficient labourer for every 10*l* per annum on each of the ſaid ſix days. See vol. 2, p. 537, ſect. 23.	And every perſon making default in ſending any ſuch labourer, or in performing ſuch labour, or in paying the compoſition for the ſame, ſhall, for every ſuch neglect, forfeit 1*s.* 6*d.* Surveyors to proceed to the recovery of ſaid penalties in 21 days after default made in performance of ſuch duty or labour, or paying ſuch compoſition money for the ſame. See vol. 2, p. 538, ſ. 24.		
4. Every perſon not keeping a team, draught, or plough, but occupying lands, tenements, or hereditaments, under the yearly value of 10*l.* ——— ———	Shall by himſelf, or one ſufficient labourer, on every of the ſaid ſix days, on which they ſhall be called forth by the ſurveyor, work and labour in the amendment of the highways, as he ſhall be directed by the ſaid ſurveyor. See vol. 2, p. 537, ſect. 23.		4. And every houſholder occupying lands, tenements, or hereditaments under 10*l.* and above 3*l.* per annum, may compound for the ſame by paying ſix pence for every day.	
5. Every inhabitant of 18, and under 65 years of age, not being an apprentice or menial ſervant, nor having performed the ſaid duty, nor paid the compoſition for the ſame in any *other* pariſh, township, or place, for that year			5. And every other inhabitant liable to perform ſuch duty or labour, may compound for the ſame by paying four pence for every day ——— ———	

House of Correction.

General form of commitment to the house of correction.

Worcestershire. } —— *esquire, one of the justices of our lord the king, assigned to keep the peace within the said county, to the constable of in the said county, and to the keeper of the house of correction, at in the said county.*

THESE are in his majesty's name to command you the said constable, forthwith to convey and deliver into the custody of the said keeper of the said house of correction, the body of being charged before me (*or* convicted before me, *or otherwise as the case shall be, and here set forth the offence*) and you the said keeper are hereby required to receive the said into your custody, in the said house of correction, and him there safely to keep, until (*or* for the space of *and here set forth the time, and the manner of punishment.*) Herein fail you not. Given under my hand and seal the day of in the year of

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Hue and Cry.

Warrant to levy hue and cry on a robbery having been committed.

Worcestershire. } *To all constables, and other officers, as well in the said county of* Worcester *as elsewhere, to whom the execution of these presents doth or shall belong.*

WHEREAS of in the county of hath this day made information, upon oath, before me esquire, one of his majesty's justices of the peace in and for the said county of *Worcester*, that on this present day of in the year of the reign of betwixt the hours of and in the noon of the same day, at a place called in the said county of *Worcester*, in the king's highway there, two malefactors and felons to him the said unknown, in and upon him the said then and there being in the peace of God and of our lord the king, feloniously did make an assault, and him the said then and there feloniously did put in great fear and danger of his life, and the sum of of lawful money of *Great Britain*, of the goods and chattels of him the said from the person and against the will of him the said then and there violently and feloniously, did steal, take, and carry away; and that one of the said malefactors and felons to him the said unknown, is a tall, strong man, and seemeth to be about the age of years, is pitted in the face with the small-pox, and hath the scar of a wound under his left eye, and had then on a dark brown riding-coat, *&c.* and did ride upon a bay gelding, with a star on his forehead, and the other, *&c.* and that after the said felony and robbery committed, they the said malefactors and felons, to him the said unknown, did fly and withdraw themselves to places unknown, and are not yet apprehended: These are therefore,

fore to command you forthwith to raiſe the power of the towns within your ſeveral precincts, and to make diligent ſearch therein for the perſons above deſcribed, and to make freſh purſuit and hue and cry after them from town to town, and from county to county, as well by horſemen as by footmen, and to give due notice hereof in writing, deſcribing in ſuch writings the perſons and the offence aforeſaid, unto every next conſtable on every ſide, until they ſhall come to the ſea-ſhore, or until the ſaid malefactors and felons ſhall be apprehended. And all perſons whom you or any of you ſhall, as well upon ſuch ſearch and purſuit as otherwiſe, apprehend or cauſe to be apprehended, as juſtly ſuſpected for having committed the ſaid robbery and felony, that you do carry forthwith before ſome one of his ſaid majeſty's juſtices of the peace, in and for the county where he or they ſhall be ſo apprehended, to be by ſuch juſtice examined and dealt withal according to law. And hereof fail you not reſpectively, upon the peril that ſhall enſue thereon. Given under my hand and ſeal at in the ſaid county of *Worceſter*, the day of aforeſaid, in the year aforeſaid.

Indictment.

Condition of a recognizance to prefer a bill of indictment.

THE condition of this recognizance is ſuch, that if the above bound ſhall perſonally appear at the next general quarter-ſeſſions of the peace to be holden at in and for the ſaid county, and then and there prefer a bill of indictment againſt late of for the felonious taking and carrying away of the property of and ſhall then and there give evidence concerning the ſame, to the jurors who ſhall inquire thereof on the part of our ſaid lord the king: And in caſe the ſame be found a true bill, then if the ſaid ſhall perſonally appear before the jurors who ſhall paſs upon the trial of the ſaid and give evidence upon the ſaid indictment, and not depart without leave of the court, then this recognizance to be void.

Condition of a recognizance to anſwer to an indictment.

The condition of this recognizance is ſuch, that if the above bound ſhall perſonally appear at the next general quarter-ſeſſions of the peace to be holden at in and for the ſaid county, then and there to anſwer to an indictment to be preferred againſt by of for aſſaulting and beating him the ſaid and not depart without leave of the court, then this recognizance to be void.

Information.

Form of an informamation qui tam.

Worceſterſhire. BE it remembered that of in the county of who, as well for our lord the now king as for himſelf, doth proſecute, cometh before the juſtices of our ſaid lord the king, aſſigned to keep the peace in

the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, at their general quarter-ſeſſions of the peace holden at in and for the ſaid county, the day of in the year of the reign of in his proper perſon, and as well for the ſame lord the king as for himſelf, giveth the court here to underſtand and be informed that late of in the county aforeſaid on the day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, not regarding the laws and ſtatutes of our ſaid lord the king, but intending to with force and arms (*here inſert the offence with the ſame preciſion as in an indictment*) againſt the form of the ſtatute in that caſe made and provided, whereupon the aforeſaid as well for the ſaid lord the king as for himſelf, prayeth the advice of this court in the premiſſes, and that the aforeſaid may forfeit the ſum of according to the form of the ſtatute aforeſaid, and that he the ſame may have one moiety thereof, according to the form of the ſtatute aforeſaid, and alſo that the aforeſaid may come here into this court, to anſwer concerning the premiſſes, and theſe are pledges of proſecuting *John Doe* and *Richard Roe*; and hereupon it is commanded to the ſaid that, all other things omitted, and all excuſes laid aſide, he be in his proper perſon at the next general quarter-ſeſſions of the peace to be holden for the ſaid county, to anſwer as well to our ſaid lord the king as to the ſaid who as well for the ſaid lord the king as for himſelf, doth proſecute of and concerning the premiſſes, and further to do and receive what the ſaid court ſhall conſider in this behalf.

Jury.

Warrant for the returning liſts of jurors. See ſtat. 3 & 4 Ann. c. 18, ſect. 5, vol. 2, p. 693.

Worceſterſhire. } *To gent. high conſtable of in the ſaid county.*

AT the general quarter-ſeſſions of the peace of our ſovereign lord the king, holden at in and for the ſaid county, the day of in the year of the reign of our ſaid ſovereign lord *George* the third, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, before us eſquires, and others our aſſociates, juſtices of our ſaid lord the king, aſſigned to keep the peace of our ſaid lord the king in the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors, in the ſaid county committed:

Theſe are to require you, upon ſight hereof, to iſſue forth your precept to all the petty conſtables within your ſaid thereby directing and requiring them to make and return true liſts of jurors, according to the form, or to the effect here following; that is to ſay,

Worceſterſhire. } *To the conſtable of*

BY virtue of a warrant from his majeſty's juſtices of the peace in and for the ſaid county, at their general quarter-ſeſſions aſſembled, unto me directed, you are hereby required to make a true liſt in writing, containing the names and places of abode, together with the titles and additions, of all perſons between the age of twenty-

twenty-one and ſeventy, dwelling within your conſtablewick, qualified to ſerve upon juries; that is to ſay, of every ſuch perſon who hath, in his own name, or in truſt for him, within the county aforeſaid, ten pounds a year above reprizes, of freehold or copyhold lands and tenements of antient demeſne, or in rents, or in all or any of them, in fee-ſimple, fee-tail, or for the life of himſelf, or ſome other perſon; or having land in poſſeſſion in his own right of twenty pounds a year above the reſerved rent, being held by leaſe for five hundred years, or more, or for ninety-nine years, or any other term determinable on one or more lives: In order to the making of which liſt, you may, if you think it needful, apply to any pariſh officer, who ſhall have in his cuſtody any of the rates for the poor or land-tax, and from thence take the names of ſuch perſons ſo qualified. Which liſt ſo being made as aforeſaid, you are required, upon two or more *Sundays*, at leaſt twenty days before *Michaelmas* next, to fix on the door of the church or chapel, and of every other public place of religious worſhip within your pariſh or other precinct, and leave at the ſame time a duplicate thereof with a churchwarden or overſeer of the poor, to be peruſed by the pariſhioners *gratis*. And the ſaid liſt you are alſo further required to deliver in at the next general quarter-ſeſſions of the peace to be holden in and for the ſaid county in open court; or otherwiſe you may in the mean time apply to one of his majeſty's juſtices of the peace in and for the ſaid county, and in his preſence ſubſcribe the ſaid liſt, and atteſt the truth thereof upon oath; and the ſame (being firſt alſo ſigned by the ſaid juſtice) you may deliver to me, to be by me delivered in at the next quarter-ſeſſions. Given under my hand at in the ſaid county, the day of in the year

—— High conſtable.

And this you the ſaid high conſtable are in no wiſe to omit, upon the peril that ſhall enſue thereof. Given under our hands and ſeal, the day and year firſt above written,

Form of a writ to the ſheriff to ſummon jurors for the trial of an iſſue joined. See ſtat. 4 & 5 Will. c. 24, ſect. 15, in vol. 2, p. 684.

GEORGE the third, *&c.* to the ſheriff of greeting: We command you that you do not omit, by reaſon of any liberty within your county, but that you enter therein, and cauſe to come before twelve good and lawful men of the vicinage of whereof every one hath ſuch lands, tenements, or rents, as will qualify them to ſerve upon juries, and who are neither of affinity to (the plaintiff) nor to (the defendant) to hear and do thoſe things which on our behalf ſhall be then and there enjoined them: and have you then there this precept. Witneſs and at the day of

Juſtices of the Peace.

Form of the commiſſion of the peace is as follows.

George *the third, by the grace of God, of* Great Britain, France *and* Ireland, *king, defender of the faith, and ſo forth, to* A. B. C. D. *&c. greeting.*

KNOW ye, that we have aſſigned you jointly and ſeverally, and every one of you, our juſtices, to keep our peace in our county of S. and to keep and cauſe to be kept all ordinances and ſtatutes for the good of the peace, and for preſervation of

the ſame, and for the quiet rule and government of our people made, and all and ſingular their articles, in our ſaid county (as well within liberties as without) according to the force, form and effect of the ſame; and to chaſtiſe and puniſh all perſons that offend againſt the form of thoſe ordinances or ſtatutes, or any one of them, in the aforeſaid county, as it ought to be done according to the form of thoſe ordinances and ſtatutes; and to cauſe to come before you or any of you, all thoſe who to any one or more of our people concerning their bodies, or the firing of their houſes, have uſed threats, to find ſufficient ſecurity for the peace, or their good behaviour, towards us and our people; and if they ſhall refuſe to find ſuch ſecurity, then them in our priſons, until they ſhall find ſuch ſecurity, to cauſe to be ſafely kept.

We have alſo aſſigned you, and every two or more of you (of whom any one of you the aforeſaid *A. B. C. D. &c.* we will ſhall be one) our juſtices to inquire the truth more fully, by the oath of good and lawful men of the aforeſaid county, by whom the truth of the matter ſhall be the better known, of all and all manner of felonies, poiſonings, inchantments, ſorceries, art, magick, treſpaſſes, foreſtallings, regratings, ingroſſings and extortions whatſoever; and of all and ſingular other crimes and offences, of which the juſtices of our peace may or ought lawfully to inquire, by whomſoever and after what manner ſoever in the ſaid county done or perpetrated, or which ſhall happen to be there done or attempted; and alſo of all thoſe who, in the aforeſaid county, in companies, againſt our peace, in diſturbance of our people, with armed force have gone or rode, or hereafter ſhall preſume to go or ride; and alſo of all thoſe, who have there lain in wait, to maim or cut, or kill our people; and alſo of all victuallers, and all and ſingular other perſons, who, in the abuſe of weights or meaſures, or in the ſelling victuals, againſt the form of the ordinances and ſtatutes, or any one of them therefore made for the common benefit of *England*, and our people thereof, have offended or attempted, or hereafter ſhall preſume in the ſaid county to offend or attempt; and alſo of all ſheriffs, bailiffs, ſtewards, conſtables, keepers of gaols, and other officers, who in the execution of their offices about the premiſſes, or any of them, have unduly behaved themſelves, or hereafter ſhall preſume to behave themſelves unduly, or have been, or ſhall happen hereafter to be careleſs, remiſs or negligent in our aforeſaid county; and of all and ſingular articles and circumſtances, and all other things whatſoever, that concern the premiſſes or any of them, by whomſoever, and after what manner ſoever, in our aforeſaid county done or perpetrated, or which hereafter ſhall there happen to be done or attempted in what manner ſoever; and to inſpect all indictments whatſoever ſo before you or any of you taken or to be taken, or before others late our juſtices of the peace in the aforeſaid county made or taken, and not yet determined; and to make and continue proceſſes thereupon, againſt all and ſingular the perſons ſo indicted, or who before you hereafter ſhall happen to be indicted; until they can be taken, ſurrender themſelves, or be outlawed: And to hear and determine all and ſingular the felonies, poiſonings, inchantments, ſorceries, arts magick, treſpaſſes, foreſtallings, regratings, ingroſſings, extortions, unlawful aſſemblies, indictments aforeſaid, and all and ſingular other the premiſſes, according to the laws and ſtatutes of *England*, as in the like caſe it has been accuſtomed, or ought to be done; and the ſame offenders, and every of them, for their offences, by fines, ranſoms, amerciaments, forfeitures and other means, as according to the law and cuſtom of *England*, or form of the ordinances and ſtatutes aforeſaid, it has been accuſtomed, or ought to be done, to chaſtiſe and puniſh.

Provided always, that if a caſe of difficulty, upon the determination of any of the premiſſes, before you, or any two or more of you, ſhall happen to ariſe; then let judgment in no wiſe be given thereon, before you, or any two or more of you, unleſs in the preſence of one of our juſtices of the one or other bench, or of one of our juſtices appointed to hold the aſſizes in the aforeſaid county.

And therefore we command you and every of you, that to keeping the peace, ordinances, ſtatutes, and all and ſingular other the premiſſes, you diligently apply yourſelves; and that at certain days and places, which you, or any ſuch two or more of

you

you as is aforeſaid, ſhall appoint for theſe purpoſes, into the premiſſes ye make inquiries; and all and ſingular the premiſſes hear and determine, and perform and fulfil them in the aforeſaid form, doing therein what to juſtice appertains, according to the law and cuſtom of *England:* Saving to us the amerciaments and other things to us therefrom belonging.

And we command by the tenor of theſe preſents our ſheriff of *S.* that at certain days and places, which you, or any ſuch two or more of you as is aforeſaid, ſhall make known to him, he cauſe to come before you, or ſuch two or more of you, as aforeſaid, ſo many and ſuch good and lawful men of his bailiwick (as well within liberties as without) by whom the truth of the matter in the premiſſes ſhall be the better known and inquired into.

Laſtly, we have aſſigned you the aforeſaid *A. B.* keeper of the rolls of our peace in our ſaid county. And therefore you ſhall cauſe to be brought before you and your ſaid fellows, at the days and places aforeſaid, the writs, precepts, proceſſes, and indictments aforeſaid, that they may be inſpected and by a due courſe determined as is aforeſaid.

In witneſs whereof we have cauſed theſe our letters to be made patent. Witneſs ourſelf at *Weſtminſter, &c.*

Larceny.

Warrant for larceny.

Worceſterſhire. } *To the conſtable of*

WHEREAS of in the ſaid county hath this day made information and complaint upon oath, before me one of his majeſty's juſtices of the peace for the ſaid county, that this preſent day divers goods belonging to him the ſaid to wit have felonioufly been ſtolen, taken and carried away from the houſe of him the ſaid at in the ſaid county, and that he hath juſt cauſe to ſuſpect, and doth ſuſpect that of feloniouſly did ſteal, take, and carry away the ſame: Theſe are therefore to command you forthwith to apprehend him the ſaid and to bring him before me to anſwer unto the ſaid information and complaint, and to be further dealt withal according to law. Herein fail not. Given under my hand and ſeal the day of in the year

Search-warrant for ſtolen goods.

Worceſterſhire. } *To the conſtable of*

WHEREAS it appears to me one of his majeſty's juſtices of the peace for the ſaid county, by the information on oath of of in the ſaid county, that the following goods, to wit, have within days laſt paſt, by ſome perſon or perſons unknown, been feloniouſly taken, ſtolen, and carried away out of the houſe of the ſaid at aforeſaid in the county aforeſaid; and that the ſaid hath probable cauſe to ſuſpect, and doth ſuſpect, that the ſaid goods, or part thereof, are concealed in the dwelling-houſe of in the ſaid county. Theſe are therefore, in his majeſty's name, to authorize and require you, with neceſſary and proper aſ-

ſiſtants, to enter in the day-time into the ſaid houſe of the ſaid at aforeſaid in the county aforeſaid, and there diligently to ſearch for the ſaid goods; and if the ſame or any part thereof ſhall be found upon ſuch ſearch, that you bring the goods ſo found, and alſo the body of the ſaid before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, to be diſpoſed of and dealt with according to law. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of

Indictment for grand or petit larceny.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the ſaid county on the day of in the year of the reign of with force and arms, at in the county aforeſaid, one linen ſhirt of the value of of the goods and chattels of then and there being, feloniouſly did ſteal, take, and carry away, againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for picking pockets, or otherwiſe privately ſtealing from the perſon.

Worceſterſhire. } THE jurors for our lord the king, preſent, That late of in the pariſh of on the day of in the year of the reign of with force and arms, at the pariſh aforeſaid, in the county aforeſaid, one gold watch of the value of from the perſon of the ſaid ſubtilly, privily, craftily, and without the knowledge of the ſaid then and there did feloniouſly ſteal, take, and carry away, againſt the peace of our ſaid lord the king, his crown, and dignity.

Indictment for breaking a houſe in the day time, ſome perſon being therein.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county of labourer, on the day of in the year of the reign of at the hour of in the noon of the ſame day, with force and arms, at in the county of the dwelling houſe of one there ſituate, (one wife of the ſaid in the ſame houſe, in the peace of God, and of our ſaid lord the king then being) feloniouſly did break and enter, and one ſilver ſpoon of the value of of the goods and chattels of him the ſaid then and there, feloniouſly did ſteal, take, and carry away, and her the ſaid then and there, in bodily fear and danger of her life feloniouſly did put, againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for breaking a houſe in the day time, no perſon being therein.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of on the day of in the year of the reign of at the hour of in the noon of the ſame day, with force and and arms, at in the county aforeſaid, the dwelling houſe of one there ſituate, feloniouſly did break and enter, and one ſilver ſpoon of the value of of the goods and chattels of him the ſaid then and there, feloniouſly did ſteal, take, and carry away, againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for ſtealing goods out of a ſhop, warehouſe, coach-houſe, or ſtable.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid, labourer, on the day of in the year of the reign of with force and arms, at in

the county aforesaid, one piece of linen of the value of of the goods and chattels of one in the shop of him the said then and there being found, then and there, privately and feloniously, did steal, take, and carry away, against the peace of our said lord the king, his crown and dignity.

Lewdness.

Indictment for keeping a disorderly house.

Worcestershire. THE jurors for our lord the king, upon their oath, present, That late of in their said county on the day of in the year of the reign of and at divers other times, as well before as after, with force and arms, at aforesaid, in the county aforesaid, did keep and maintain, and yet doth keep and maintain, a certain common, ill-governed, and disorderly house, and in his said house, for his own lucre and gain, certain evil and ill-disposed persons, as well men as women, of evil name and fame, and of dishonest conversation, to frequent and come together then, and the said divers other times, there unlawfully and wilfully did cause and procure, and the said men and women in the said house, at unlawful times, as well in the night as in the day, then, and the said other times, there to be and remain, drinking, tipling, whoring, and misbehaving themselves, unlawfully and wilfully did permit, and yet doth permit, to the great damage and common nusance of all the subjects of our said lord the king, and against the peace of our said lord the king, his crown and dignity.

Libel.

Indictment for a libel.

Worcestershire. THE jurors for our lord the king, upon their oath, present, That late of in the county of gentleman, not having God before his eyes, but moved by the instigation of the devil, and falsely and maliciously contriving and intending to bring our said lord the king into hatred and infamy amongst his subjects, and to move sedition amongst the subjects of our said lord the king, did, on the day of in the year of the reign of with force and arms, at aforesaid, in the county aforesaid, falsely, seditiously, and maliciously write and publish, and cause to be written and published, a certain false, seditious, and scandalous libel, intitled In which said libel are contained, among other things, divers false, seditious, scandalous, and malicious matters, according to the tenor following: to wit, And in another part of the same libel are contained divers other false, seditious, scandalous, and malicious matters, according to the tenor following to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Lord's

Lord's Day.

Warrant to levy twenty ſhillings on a carrier for travelling on the Lord's day; on the 3 Car. 1, c. 1, & 29 Car. 2, c. 7. See vol. 3, p. 87, 88.

Worceſterſhire. } *To the conſtable of*

WHEREAS of in the county of is duly convicted before me one of his majeſty's juſtices of the peace for the ſaid county, for that he the ſaid on the day of in the year of the reign of being the Lord's day, commonly called *Sunday*, with his horſes into and through your ſaid pariſh of did travel, contrary to the ſtatutes in that caſe made and provided; whereby he hath forfeited the ſum of twenty ſhillings of lawful money of *England*: Theſe are therefore to command you forthwith to levy the ſaid ſum of twenty ſhillings, by diſtraining the goods and chattels of him the ſaid And if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum ſhall not be paid, together with the reaſonable charges of taking and keeping the ſame, that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, that you do pay the ſum of ſix ſhillings and eight pence, part of the ſaid ſum of twenty ſhillings, to of who informed me of the ſaid offence, and that you ſee the remaining ſum of thirteen ſhillings and four pence employed to the uſe of the poor of your ſaid pariſh of returning to him the ſaid the overplus upon demand, the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted. And you are to certify to me, with the return of this precept, what you ſhall have done in the execution thereof. Given under my hand and ſeal at in the ſaid county, the day of

Maintenance.

Indictment for maintenance. See vol. 3, p. 102.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid on the day of in the year of the reign of with force and arms, at aforeſaid, in the county aforeſaid, did unjuſtly and unlawfully maintain and uphold a certain ſuit, which was then depending in the court of our ſaid lord the king, before the king himſelf, between plaintiff, and defendant, in a plea of debt on the behalf of the ſaid againſt the ſaid contrary to the form of the ſtatute in ſuch caſe made and provided, and to the manifeſt hinderance and diſturbance of juſtice, and in contempt of our ſaid lord the king, and to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Militia.

Precept to the high conſtable for ordering liſts to be returned, and the petty conſtables warrant thereupon; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 3, p. 130.

Worceſterſhire. } *To gentleman, high conſtable of in the ſaid county.*

WE and eſquires, deputy-lieutenants, and and eſquires, two of his majeſty's juſtices of the peace for the ſaid county, at our general meeting for that purpoſe aſſembled, do hereby require you to iſſue out your warrants to the ſeveral petty conſtables within your ſaid according to the form hereon indorſed. Given under our hands and ſeals the day of in the year

Form of the ſaid warrant indorſed.

Worceſterſhire. } *To the conſtable of*

BY virtue of a precept from the deputy-lieutenants and juſtices of the peace, in and for the ſaid county, at their general meeting for that purpoſe aſſembled, unto me directed, you are hereby required to make out a fair and true liſt in writing of all men uſually, and at this time dwelling, within your conſtablewick, between the ages of eighteen and forty-five years, diſtinguiſhing therein their ranks and occupations, and which of the ſaid perſons labour under any infirmities, incapacitating them from ſerving as militia-men; and alſo which of them, if any, is a peer of this realm, or a perſon ſerving as a commiſſion-officer in any regiment, troop, or company in his majeſty's other forces, or in any of his majeſty's caſtles or forts, or a non-commiſſion-officer or private man, ſerving in any of his majeſty's other forces; or a commiſſion-officer ſerving, or who has ſerved for four years in the militia, or a member of either univerſities, clergyman, licenſed teacher of any ſeparate congregation, conſtable, or other peace officer, articled clerk, apprentice, ſeaman, or ſeafaring-man, or poor man who has three children born in wedlock; which liſt ſo fairly and truly made as aforeſaid, you are hereby required to return to the deputy-lieutenants and juſtices of the peace for the ſaid county, at their meeting for that purpoſe to be held on the day of next enſuing the date hereof, at in the ſaid county; and you are hereby further required to affix a true copy of the ſaid liſt, ſo to be made out as aforeſaid, on the door of the church or chapel belonging to your reſpective pariſh, townſhip, or place; and if ſuch place being extraparochial, hath no church or chapel belonging thereto, then on the door of the church or chapel of ſome pariſh or place thereto adjoining, on ſome *Sunday* morning, which ſhall be three days at leaſt before the ſaid day of and alſo you are to affix notice in writing at the bottom of the ſaid liſt, of the day and place of the ſaid meeting, and that all perſons who ſhall think themſelves aggrieved, may then appeal; and that no appeal will be afterwards received. Herein fail you not. Given under my hand the day of in the year of our Lord

——— high conſtable of the ſaid .

Precept to the high conſtable for iſſuing his warrants to the petty conſtables, to give notice of the number appointed to ſerve within each pariſh and place, and of the time and place for balloting; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 3, p. 130, 131.

Worceſterſhire. } *To gentleman, chief conſtable of within the ſaid county.*

WE and eſquires, deputy-lieutenants, and and eſquires, juſtices of the peace in and for the ſaid county, at our ſubdiviſion meeting aſſembled for proportioning the number of private militia-men to ſerve for each pariſh, tithing, or place within the ſaid do hereby require you to give notice to the ſeveral petty conſtables within your ſaid of the number of men appointed by us to ſerve for the ſeveral pariſhes, tithings or places within their reſpective diſtricts, according to the liſts hereunto annexed; and that their next ſub-diviſion meeting for cauſing the ſaid men to be choſen by lot, to ſerve in the ſaid militia, ſhall be at in the ſaid county, on the day of now next enſuing. Given under our hands and ſeals, the day of in the year

Precept to the high conſtable for iſſuing his warrants to the petty conſtables, to give notice to the perſons choſen by lot to appear, and take the oath, and be inrolled; and the petty conſtables' warrant thereon; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 3, p. 131.

Worceſterſhire. } *To gentleman, chief conſtable of within the ſaid county.*

WE and eſquires, deputy-lieutenants, and and eſquires, two of his majeſty's juſtices of the peace, in and for the ſaid county, at our ſub-diviſion meeting for that purpoſe aſſembled, do hereby order and require you forthwith, to iſſue out your warrants to the ſeveral petty conſtables within your ſaid according to the form here indorſed. Given under our hands and ſeals the day of in the year of our Lord

Form of the ſaid warrant indorſed:

Worceſterſhire. } *To the conſtable of*

BY virtue of a warrant from the deputy-lieutenants, and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, you are hereby directed and required to give notice to an inhabitant within your conſtablewick, choſen by lot at the ſaid meeting, to ſerve in the militia of the ſaid county, that he do appear at in the ſaid county, on the day of next, then and there to take the oath in that behalf required by law, and to be inrolled to ſerve in the militia of the ſaid county as a private militia-man for the ſpace of three years, or otherwiſe to provide a fit perſon, to be approved by the deputy-lieutenants and juſtices of the peace that ſhall be then and there preſent, to ſerve as his ſubſtitute, who ſhall take the ſaid oath, and be inrolled in manner aforeſaid; which notice you are to give unto him, and to leave the ſame at his place of abode, at leaſt ſeven days before the ſaid day of next. And be you then there to certify what you ſhall have done in the premiſſes. Herein fail you not. Given under my hand the day of in the year of our Lord

——— chief conſtable of the ſaid

Form of the notice to be left at the dwelling-houſe, where perſonal notice cannot be given.

NOTICE is hereby given unto you, that you are choſen by lot to ſerve in the militia of this county, and that you are to appear at in the ſaid county, on the day of next, before the deputy-lieutenants and juſtices of the peace for the ſaid county, to be then and there aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the militia of the ſaid county as a private militia-man for the ſpace of three years, or otherwiſe to provide a fit perſon to be then and there approved by the ſaid deputy-lieutenants and juſtices, who ſhall take the ſaid oath, and be then and there inrolled as aforeſaid. Given under my hand the day of in the year of our Lord

——— conſtable of

Form of a warrant againſt a militia-man not appearing to be ſworn and inrolled; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 2, p. 132, 133.

Worceſterſhire. } *To the conſtable of*

WHEREAS complaint and information upon oath hath been made unto me eſq. one of his majeſty's juſtices of the peace in and for the ſaid county, that late of in the county aforeſaid not being one of the people called quakers, hath been duly choſen by lot to ſerve as a private militia-man in the militia of the ſaid county, and hath had due notice to appear before the deputy-lieutenants and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the ſaid militia as a private militia-man, or to provide a fit perſon, to be approved by the ſaid deputy-lieutenants and juſtices as aforeſaid, to ſerve as his ſubſtitute; and that he the ſaid hath neglected (*or* refuſed) to take the ſaid oath, and to ſerve in the ſaid militia, and hath alſo neglected to provide any fit perſon to ſerve as his ſubſtitute: Theſe are therefore to require you forthwith to ſummon the ſaid to appear before me at the houſe of in in the ſaid county, on the day of at the hour of in the noon of the ſame day, to anſwer unto the ſaid complaint, and to ſhew cauſe why the penalty of ten pounds ſhall not be levied upon his goods and chattels for the ſaid offence. Herein fail you not. Given under my hand and ſeal the day of in the year of our Lord

Warrant of diſtreſs for the penalty of ten pounds mentioned in the preceding warrant.

Worceſterſhire. } *To the conſtable of*

WHEREAS late of in the county of not being one of the people called quakers, is this day duly convicted upon oath before me eſq. one of his majeſty's juſtices of the peace in and for the ſaid county, for that he the ſaid having been duly choſen by lot to ſerve as a private militia-man in the militia of the ſaid county, and after due notice given unto him to appear before the deputy-lieutenants and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the ſaid militia as a private militia man, or to provide a fit perſon, to be approved by the ſaid deputy-lieutenants and juſtices as aforeſaid, to ſerve as his

 ſubſtitute,

Precept to the high conſtable for iſſuing his warrants to the petty conſtables, to give notice of the number appointed to ſerve within each pariſh and place, and of the time and place for balloting; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 3, p. 130, 131.

Worceſterſhire. } *To gentleman, chief conſtable of within the ſaid county.*

WE and eſquires, deputy-lieutenants, and and eſquires, juſtices of the peace in and for the ſaid county, at our ſubdiviſion meeting aſſembled for proportioning the number of private militia-men to ſerve for each pariſh, tithing, or place within the ſaid do hereby require you to give notice to the ſeveral petty conſtables within your ſaid of the number of men appointed by us to ſerve for the ſeveral pariſhes, tithings or places within their reſpective diſtricts, according to the liſts hereunto annexed; and that their next ſub-diviſion meeting for cauſing the ſaid men to be choſen by lot, to ſerve in the ſaid militia, ſhall be at in the ſaid county, on the day of now next enſuing. Given under our hands and ſeals, the day of in the year

Precept to the high conſtable for iſſuing his warrants to the petty conſtables, to give notice to the perſons choſen by lot to appear, and take the oath, and be inrolled; and the petty conſtables' warrant thereon; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 3, p. 131.

Worceſterſhire. } *To gentleman, chief conſtable of within the ſaid county.*

WE and eſquires, deputy-lieutenants, and and eſquires, two of his majeſty's juſtices of the peace, in and for the ſaid county, at our ſub-diviſion meeting for that purpoſe aſſembled, do hereby order and require you forthwith, to iſſue out your warrants to the ſeveral petty conſtables within your ſaid according to the form here indorſed. Given under our hands and ſeals the day of in the year of our Lord

Form of the ſaid warrant indorſed:

Worceſterſhire. } *To the conſtable of*

BY virtue of a warrant from the deputy-lieutenants, and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, you are hereby directed and required to give notice to an inhabitant within your conſtablewick, choſen by lot at the ſaid meeting, to ſerve in the militia of the ſaid county, that he do appear at in the ſaid county, on the day of next, then and there to take the oath in that behalf required by law, and to be inrolled to ſerve in the militia of the ſaid county as a private militia-man for the ſpace of three years, or otherwiſe to provide a fit perſon, to be approved by the deputy-lieutenants and juſtices of the peace that ſhall be then and there preſent, to ſerve as his ſubſtitute, who ſhall take the ſaid oath, and be inrolled in manner aforeſaid; which notice you are to give unto him, and to leave the ſame at his place of abode, at leaſt ſeven days before the ſaid day of next. And be you then there to certify what you ſhall have done in the premiſſes. Herein fail you not. Given under my hand the day of in the year of our Lord

——— chief conſtable of the ſaid

Form of the notice to be left at the dwelling-house, where perſonal notice cannot be given.

NOTICE is hereby given unto you, that you are choſen by lot to ſerve in the militia of this county, and that you are to appear at in the ſaid county, on the day of next, before the deputy-lieutenants and juſtices of the peace for the ſaid county, to be then and there aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the militia of the ſaid county as a private militia-man for the ſpace of three years, or otherwiſe to provide a fit perſon to be then and there approved by the ſaid deputy-lieutenants and juſtices, who ſhall take the ſaid oath, and be then and there inrolled as aforeſaid. Given under my hand the day of in the year of our Lord

—— conſtable of

Form of a warrant againſt a militia-man not appearing to be ſworn and inrolled; on ſtat. 2 Geo. 3, c. 20, ſect. 42. See vol. 2, p. 132, 133.

Worceſterſhire. } *To the conſtable of*

WHEREAS complaint and information upon oath hath been made unto me eſq. one of his majeſty's juſtices of the peace in and for the ſaid county, that late of in the county aforeſaid not being one of the people called quakers, hath been duly choſen by lot to ſerve as a private militia-man in the militia of the ſaid county, and hath had due notice to appear before the deputy-lieutenants and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the ſaid militia as a private militia-man, or to provide a fit perſon, to be approved by the ſaid deputy-lieutenants and juſtices as aforeſaid, to ſerve as his ſubſtitute; and that he the ſaid hath neglected (*or* refuſed) to take the ſaid oath, and to ſerve in the ſaid militia, and hath alſo neglected to provide any fit perſon to ſerve as his ſubſtitute: Theſe are therefore to require you forthwith to ſummon the ſaid to appear before me at the houſe of in in the ſaid county, on the day of at the hour of in the noon of the ſame day, to anſwer unto the ſaid complaint, and to ſhew cauſe why the penalty of ten pounds ſhall not be levied upon his goods and chattels for the ſaid offence. Herein fail you not. Given under my hand and ſeal the day of in the year of our Lord

Warrant of diſtreſs for the penalty of ten pounds mentioned in the preceding warrant.

Worceſterſhire. } *To the conſtable of*

WHEREAS late of in the county of not being one of the people called quakers, is this day duly convicted upon oath before me eſq. one of his majeſty's juſtices of the peace in and for the ſaid county, for that he the ſaid having been duly choſen by lot to ſerve as a private militia-man in the militia of the ſaid county, and after due notice given unto him to appear before the deputy-lieutenants and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the ſaid militia as a private militia man, or to provide a fit perſon, to be approved by the ſaid deputy-lieutenants and juſtices as aforeſaid, to ſerve as his

 ſubſtitute,

ſubſtitute, hath neglected to take the ſaid oath, and to ſerve in the ſaid militia; and alſo hath neglected to provide any fit perſon to ſerve as his ſubſtitute, whereby he the ſaid hath forfeited the ſum of ten pounds: Theſe are thereſore, in his ſaid majeſty's name, to command you to levy the ſaid ſum by diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days, next after ſuch diſtreſs by you taken, the ſaid ſum, together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained; and out of the money ariſing by ſuch ſale, that you do pay the ſaid ſum of ten pounds to the ſaid deputy-lieutenants and juſtices as aforeſaid, or to ſuch perſon as they ſhall appoint to receive the ſame, for the providing of a ſubſtitute to ſerve for him the ſaid and for the other purpoſes by law directed for the application thereof, rendering the overplus, if any ſhall be, on demand, unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being firſt deducted. And if ſufficient diſtreſs cannot be found of the goods and chattels of him the ſaid whereon to levy the ſaid ſum of ten pounds, that then you certify the ſame to me, together with the return of this precept. Herein fail you not. Given under my hand and ſeal the day of in the year of our Lord

Conſtable's return of the want of diſtreſs.

Worceſterſhire. }

—— conſtable of in the ſaid county, maketh oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, this day of in the year that by virtue of my warrant to him directed to levy the ſum of by diſtreſs and ſale of the goods and chattels of late of aforeſaid, in the county aforeſaid, he the ſaid conſtable hath made diligent ſearch for ſuch goods and chattels, and that he doth not know nor can find that the ſaid hath goods and chattels ſufficient to anſwer the ſaid diſtreſs.

Commitment for want of diſtreſs.

Worceſterſhire. } *To the conſtable of in the ſaid county, and to the keeper of the common gaol at in the ſaid county.*

WHEREAS late of in the county aforeſaid, not being one of the people called quakers, was on the day of duly convicted before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, for that he the ſaid having been choſen by lot to ſerve as a private militia man, in the militia of the ſaid county, and after due notice given unto him to appear before the deputy-lieutenants and juſtices of the peace in and for the ſaid county, at their ſub-diviſion meeting for that purpoſe aſſembled, to take the oath in that behalf required, and to be inrolled to ſerve in the ſaid militia as a private militia-man, or to provide a fit perſon to be approved by the ſaid deputy-lieutenants and juſtices as aforeſaid to ſerve as his ſubſtitute, did neglect to take the ſaid oath, and to ſerve in the ſaid militia; and alſo did neglect to provide any fit perſon to ſerve as his ſubſtitute, and thereupon did forfeit the ſum of 10*l.* And whereas on the ſaid day of in the year aforeſaid, I did iſſue my warrant to the conſtable of to levy the ſaid ſum of 10*l.* by diſtreſs and ſale of the goods and chattels of him the ſaid And whereas it duly appears to me, as well on the oath of the ſaid conſtable as otherwiſe, that he the ſaid conſtable hath uſed his beſt endeavours to levy the ſaid ſum on the goods and chattels of the ſaid as aforeſaid, and that the goods and chattels of him the ſaid are not ſufficient to anſwer the ſaid diſtreſs; Theſe are there-

fore to command you the ſaid conſtable of aforeſaid, to apprehend the body of the ſaid and him ſafely to convey to the common gaol at aforeſaid, in the county aforeſaid; and there deliver him to the ſaid keeper thereof, together with this precept. And I do hereby command you the ſaid keeper of the ſaid common gaol, to receive into your cuſtody in the ſame common gaol the ſaid and him there ſafely to keep for the ſpace of and for ſo doing this ſhall be your ſufficient warrant. Given under my hand and ſeal this day of in the year of our Lord

Warrant of diſtreſs for quakers ſubſtitutes; on ſtat. 2 Geo. 3, c. 20, ſect. 87.
See vol. 3, page 148.

Worceſterſhire. } —— *eſquire, deputy-lieutenant, and and eſquires, two of his majeſty's juſtices of the peace for the ſaid county, to the high conſtable of within the ſaid county, and to the petty conſtables of within the ſaid county, and to each and every of them.*

WHEREAS late of in the county aforeſaid being one of the people called quakers, hath been duly choſen by lot to ſerve in the militia of the ſaid county, and after due notice given unto him, hath neglected to appear and to take the oath in that behalf required, and to ſerve in the ſaid militia, and hath alſo neglected to provide any fit perſon to ſerve for him as his ſubſtitute; and whereas we the ſaid deputy-lieutenant and juſtices as aforeſaid, have upon as reaſonable terms as might be, namely, for the ſum of provided and hired a fit perſon to ſerve in the ſaid militia, as the ſubſtitute of him the ſaid we do therefore hereby require you to levy the ſaid ſum of by diſtreſs and ſale of the goods and chattels of him the ſaid and to pay the ſame unto for the uſe of him the ſaid rendering the overplus, if any ſhall be, unto him the ſaid after deducting the charges of the ſaid diſtreſs and ſale. Herein fail you not. Given under our hands and ſeals the day of in the year of our Lord

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Nuſance.

General indictment for a nuſance.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county of yeoman, on the day of in the year of the reign of and on divers other days and times, as well before as afterwards, with force and arms, at in the ſaid county, [*here ſet forth the nuſance*] and the ſame (nuſance) ſo as aforeſaid done, doth yet continue, and ſuffer to remain, to the common nuſance of all the lieges and ſubjects of our ſaid lord the king, to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Poor.

That the juſtices may know what perſons are fit to be appointed overſeers, it is uſual and requiſite for them, to iſſue their precept in ſome ſuch form as foliows:

Worceſterſhire. } *To gentleman, high conſtable of within the ſaid county.*

WE two of his majeſty's juſtices of the peace for the ſaid county (one whereof is of the *quorum*) do hereby require you forthwith, upon your receipt hereof, to iſſue your warrants to all the petty conſtables within your ſaid in the form or to the effect, according as upon this our warrant is indorſed. Given under our hands and ſeals the day of

The form of the ſaid high conſtable's warrant to the petty conſtables.

Worceſterſhire. } *To the conſtable of*

BY virtue of a precept from two of his majeſty's juſtices of the peace in and for the ſaid county (one whereof is of the *quorum*) to me directed, you are hereby required immediately upon ſight hereof to give notice to all and every the overſeers of the poor within your conſtablewick, that they do make out a liſt in writing of a competent number of ſubſtantial houſeholders within their reſpective diſtricts, and deliver in the ſame to the ſaid juſtices, and others his ſaid majeſty's juſtices of the peace for the ſaid county, at in in the ſaid county, on the day of at the hour of in the forenoon of the ſame day, to the end that out of the ſaid liſt the ſaid juſtices may appoint other overſeers of the poor for the year then next enſuing. And be you then there to certify what you ſhall have done in the premiſſes. Herein fail you not. Given under my hand the day of in the year of our Lord

——— high conſtable.

And the form of an appointment of overſeers may be thus; on ſtat. 43 Eliz. c, 2. See vol. 3, p. 360.

Worceſterſhire. } WE two of his majeſty's juſtices of the peace in and for the ſaid county of (one whereof is of the *quorum*) do hereby nominate and appoint *A.* and *B.* being ſubſtantial houſeholders of the pariſh [*or* townſhip] of in the ſaid county, to be overſeers of the poor of the ſaid pariſh [*or* townſhip] according to the direction of the ſtatute in that caſe made and provided. Given under our hands and ſeals, (*within a month after* Eaſter.)

Form of a certificate on the 8 & 9 Will. 3, c. 30, and 3 Geo. 2, c. 29. See vol. 1, p. 380, 391.

Worceſterſhire. } WE the churchwardens and overſeers of the poor of the pariſh [*or* townſhip] of in the ſaid county of do hereby certify, own and acknowledge, that *A.* yeoman, is an inhabitant legally ſettled

ſettled in our pariſh [*or* townſhip] of aforeſaid; in witneſs whereof we have hereunto ſet our hands and ſeals the day of in the year of our Lord

Atteſted by.

——— } *Churchwardens.*
——— }

——— } *Overſeers of the poor.*
——— }

WE and eſquires, two of his majeſty's juſtices of the peace in and for the county of aforeſaid, do allow of the above written certificate. And we do alſo certify, that one of the witneſſes who atteſted the ſame, hath this day made oath before us the ſaid juſtices, that he the ſaid did ſee the churchwardens and overſeers of the poor of the ſaid pariſh, whoſe names and ſeals are thereunto ſubſcribed and ſet, ſeverally ſign and ſeal the ſame; and that the names of and who are the witneſſes atteſting the ſaid certificate, are reſpectively of their own proper hand writing. Given under our hands this day of

Warrant of two juſtices to examine a perſon in order to remove him.

Worceſterſhire. } *To*

WHEREAS complaint hath been made before us two of his majeſty's juſtices of the peace in and for the ſaid county, and one of us of the *quorum*, by the churchwardens and overſeers of the poor of the pariſh of in the ſaid county, that hath come to inhabit in the ſaid pariſh not having gained any legal ſettlement therein, nor produced any certificate owning him to be ſettled elſewhere; and that he the ſaid is likely to become chargeable to the ſaid pariſh of Theſe are therefore to require you to bring the ſaid before us at in in the ſaid county, on the day of at the hour of in the noon of the ſame day, to be examined concerning the place of his laſt legal ſettlement, and to be further dealt with according to law. Given under our hands and ſeals the day of

It may alſo be proper, eſpecially in caſes of doubt or difficulty, to give notice (if poſſible) to the overſeers of the pariſh or place where the ſettlement is ſuppoſed to be, that they may attend, if they think proper, when the adjudication is made; which probably might prevent appeals from ſuch adjudications and orders; which notice may be to the effect following.

Summons to ſhew cauſe againſt an order of removal.

Worceſterſhire. } *To the churchwardens and overſeers of the poor of the pariſh of in the county of and to every of them.*

THIS is to ſummon you, or ſome of you, to appear (if you ſhall ſo think proper) before and ſuch other his majeſty's juſtices of the peace for the ſaid county of as ſhall be at the houſe of in in the ſaid county of on the day of at the hour of in the noon of the ſame day, to ſhew cauſe why I ſhould not be removed from the pariſh of in the ſaid county of to your ſaid pariſh of Given under hand and ſeal this day of in the year of our Lord

And then the general form of an order of removal, as grounded upon the ſaid ſtatute of the 13 & 14 Car. 2, may be thus.

The form of a general order of removal.

Worceſterſhire. } *To the churchwardens and overſeers of the poor of the pariſh of in the ſaid county of and to the churchwardens and overſeers of the poor of the pariſh of in the county of and to each and every of them.*

UPON the complaint of the churchwardens and overſeers of the poor of the pariſh of aforeſaid, in the ſaid county of unto us whoſe names are hereto ſet and ſeals affixed, being two of his majeſty's juſtices of the peace in and for the ſaid county of and one of us of the *quorum*, that his wife their ſon, aged eight years, and their daughter, aged four years, have come to inhabit in the ſaid pariſh of not having gained a legal ſettlement there, nor produced any certificate owning them or any of them to be ſettled elſewhere, and that the ſaid *A. B.* his wife and their children, are likely to be chargeable to the ſaid pariſh of

We the ſaid juſtices, upon due proof made thereof, as well upon the examination of the ſaid upon oath, as otherwiſe, and likewiſe upon due conſideration had of the premiſſes, do adjudge the ſame to be true; and we do likewiſe adjudge, that the lawful ſettlement of them the ſaid his wife, and and their children, is in the pariſh of in the county of We do therefore require you the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of or ſome or one of you, to convey the ſaid *A. B.* his wife, and and their children, from and out of your ſaid pariſh of to the ſaid pariſh of and them to deliver to the churchwardens and overſeers of the poor there, or to ſome or one of them, together with this our order, or a true copy thereof, at the ſame time ſhewing to them the original; and we do alſo hereby require you the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of to receive and provide for them as inhabitants of your pariſh. Given under our hands and ſeals the day of in the year of the reign of his ſaid majeſty king *George* the third.

Form of an order of removal of a certificate perſon; *on* 8 & 9 Will. 3, c. 30.
See vol. 3, p. 380.

Worceſterſhire. } *To the churchwardens and overſeers of the poor of the pariſh of in the ſaid county of and to the churchwardens and overſeers of the poor of the pariſh of in the county of*

WHEREAS complaint hath been made, by the churchwardens and overſeers of the poor of the pariſh of aforeſaid, in the ſaid county of unto us whoſe names are hereunto ſet and ſeals affixed, being two of his majeſty's juſtices of the peace in and for the ſaid county of and one of us of the *quorum*, that *A. B.* his wife, their ſon, aged eight years, and their daughter, aged four years, having for ſome time laſt paſt dwelt in the pariſh of aforeſaid, being allowed ſo to do by reaſon of a certificate, bearing date the day of in the year of our Lord under the hands and ſeals of and churchwardens, and and overſeers of the poor of the ſaid pariſh of atteſted by and two credible witneſſes, and allowed by and eſquires, two of his majeſty's juſtices of the peace for the ſaid county of according to the directions of the ſeveral acts of parliament in ſuch caſe made and provided, are become chargeable to the ſaid pariſh of And whereas it appears to us, as well upon the oath of the ſaid as otherwiſe, that neither they the ſaid *A. B.* his wife, and their children, nor any of them, have gained any legal ſettlement ſince the date of the ſaid certificate: whereby and upon due conſideration had of the premiſſes, it appears to us, and we do hereby adjudge, that the ſaid *A. B.* his wife, and and their children, are become chargeable to the pariſh of and that the place of the laſt legal ſettlement of them and every of them is in the

the ſaid pariſh of in the ſaid county of Theſe are therefore to require you the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of or ſome or one of you, to convey the ſaid *A. B.* his wife, and and their children, from and out of your ſaid pariſh of to the ſaid pariſh of and them to deliver to the churchwardens and overſeers of the poor there, or to ſome or one of them, together with this our order, or a true copy thereof, at the ſame time ſhewing to them the original; and we do alſo hereby require you the ſaid churchwardens and overſeers of the poor of the ſaid pariſh of to receive and provide for them as inhabitants of your pariſh. Given under our hands and ſeals the day of in the year of our Lord

Oath of a poor perſon wanting maintenance; on 9 Geo. 1, c. 7. See vol. 3, p. 387.

A of in the pariſh of in the county of maketh oath, that he is very poor and impotent, and not able to provide for himſelf and his family, and that his lawful ſettlement is in the ſaid pariſh of and that on laſt he did apply for relief to the pariſhioners of the ſaid pariſh at a veſtry (*or other publick meeting, or* to two overſeers of the poor of the pariſh) and was by them refuſed to be relieved.

Taken and made before me, one of his majeſty's juſtices of the peace for the ſaid county, the day of

Warrant thereupon to ſummon the overſeers.

Worceſterſhire. } *To the conſtable of in the pariſh of in the ſaid county.*

WHEREAS of your pariſh hath this day made oath before me one of his majeſty's juſtices of the peace in and for the ſaid county, that he the ſaid is very poor and impotent, and not able to provide for himſelf and his family, and that he the ſaid did on laſt apply to the pariſhioners of your ſaid pariſh at a veſtry (*or other publick meeting, or* to and two of the overſeers of the poor of the ſaid pariſh) and was by them refuſed to be relieved: Theſe are therefore to require you in his ſaid majeſty's name, to ſummon two of the overſeers of the poor of the ſaid pariſh to appear before me on next, at the houſe of in in the ſaid county, at the hour of in the forenoon of the ſame day, to ſhew cauſe why relief ſhould not be given to the ſaid and be you then there with this precept, to certify what you ſhall have done in the execution hereof. Given under my hand and ſeal the day of in the year

Order for maintenance.

Worceſterſhire. } WHEREAS of in the pariſh of in the ſaid county of yeoman, hath made oath before me one of his majeſty's juſtices of the peace for the ſaid county, that he the ſaid is very poor and impotent, and not able to work; and that he the ſaid did on laſt apply for relief to the pariſhioners of the ſaid pariſh of at a veſtry (*or* public meeting, *or* to and two of the overſeers of the poor of the ſaid pariſh) and was by them refuſed to be relieved: And whereas and overſeers of the poor of the ſaid pariſh, have been duly ſummoned by me to ſhew cauſe why relief ſhould not be

given to the ſaid and have appeared before me in purſuance of ſuch ſummons, but have not made any ſufficient cauſe to appear as aforeſaid [*or*, but have made default to appear before me according to ſuch ſummons] I do therefore, hereby order the churchwardens and overſeers of the poor of the ſaid pariſh, or ſome of them, to pay unto the ſaid the ſum of weekly and every week, for and towards his ſupport and maintenance, until ſuch time as they ſhall be otherwiſe ordered according to law to forbear the ſaid allowance. Given under my hand and ſeal at in the ſaid county, the day of in the year

Contract for maintenance.

AT a publick meeting of the inhabitants of the pariſh of in the county of for that purpoſe aſſembled, upon uſual notice thereof firſt given, it is contracted, by and with the conſent of the major part of the ſaid inhabitants ſo aſſembled as aforeſaid, between and churchwardens, and and overſeers of the poor of the ſaid pariſh of the one part, and in the ſaid pariſh, yeoman, of the other part; that he the ſaid ſhall and will, during the ſpace of one whole year, to commence from next enſuing, at his own proper coſts and charges, in the houſe in which he now dwelleth, find, provide and allow unto all ſuch poor people as ſhall be lawfully intitled to relief and maintenance from the ſaid pariſh, and ſhall be brought unto him by the churchwardens or overſeers of the poor aforeſaid, or any of them, or by their or any of their ſucceſſors for the time being, ſufficient lodging, meat, drink, cloathing, employment, and other things neceſſary for their keeping and maintenance; and that in conſideration thereof, the ſaid churchwardens and overſeers of the poor, and their ſucceſſors reſpectively, ſhall pay or cauſe to be paid to the ſaid the ſum of in equal proportions the ſaid to have moreover and take unto himſelf the benefit of the ſaid poor people's work, labour and ſervice during the ſaid term. In witneſs whereof, the parties to theſe preſents have hereunto ſet their hands the day of

The form of a rate or taxation for the poor. See vol. 3, p. 360.

AN aſſeſſment for the neceſſary relief of the poor, and for the other purpoſes in the ſeveral acts of parliament mentioned, relating to the poor for the pariſh of in the county of made and aſſeſſed the day of being the firſt rate, at in the pound for the preſent year

A. B. for —— ——.
C. D. for —— ——.
E. F. for —— ——.

The conſent of two juſtices may be thus:

WE, two of his majeſty's juſtices of the peace in and for the ſaid county, one whereof is of the *quorum*, do conſent unto and allow of this aſſeſſment. Witneſs our hands the day of

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——

Another form of a rate, or taxation of the poor; which hath been examined in, and had the approbation of, the court of King's Bench.

A Monthly tax and aſſeſſment of in the pound upon every inhabitant, parſon, vicar, and others; and upon every occupier of lands, houſes, tithes impropriate, impropriations of tithes, coal-mines, and ſaleable underwoods, within the pa-

riſh of and county of towards the neceſſary relief of the old, lame, impotent, blind, and other perſons not able to work, of the ſaid pariſh, made by us whoſe hands are hereunto ſubſcribed, churchwardens and overſeers of the poor of the ſaid pariſh, the day of 1767.

Aſſeſſed by us

A. B. } churchwardens.
C. D. }

A. B. } overſeers of the
C. D. } poor.

Seen and allowed by us, two of his majeſty's juſtices of the peace in and for the ſaid county.

N. B. *A rate ſhould be made every month.* See 2 Salk. 532. See vol. 3, p. 647, 648.

The form of the ſummons in which caſe may be this; on 43 Eliz. cap. 2, & 17 Geo. 2, cap. 38, ſect. 4. See vol. 3, p. 397.

Worceſterſhire. } *To of the pariſh of in the ſaid county, yeoman.*

WE whoſe names are hereunto ſet, and ſeals affixed, two of his majeſty's juſtices of the peace in and for the ſaid county, one whereof is of the *quorum*, do hereby ſummon you perſonally to appear before us, at the houſe of in in the ſaid county, on the day of at the hour of in the forenoon of the ſame day, to ſhew cauſe why you refuſe to pay the rate or aſſeſſment made for the relief of the poor of the ſaid pariſh for this preſent year; otherwiſe we ſhall proceed as if you had appeared. Given under our hands and ſeals the day of in the year of our Lord

And then the warrant of diſtreſs thereupon may be thus:

Worceſterſhire. } *To the churchwardens and overſeers of the poor of the pariſh of in the ſaid county.*

WHEREAS in and by a rate and aſſeſſment made, aſſeſſed, allowed, and publiſhed according to the ſtatute in that caſe made and provided an inhabitant and occupier of an houſe in the ſaid pariſh of was duly rated and aſſeſſed, for and towards the neceſſary relief of the poor of the ſaid pariſh for this preſent year, the ſum of three ſhillings; and whereas it duly appeareth unto us, two of his majeſty's juſtices of the peace in and for the ſaid county, one whereof is of the *quorum*, as well upon the oath of overſeer of the poor of the ſaid pariſh, as otherwiſe, that the ſaid ſum of three ſhillings hath been lawfully demanded by the ſaid and that the ſaid hath refuſed, and doth refuſe to pay the ſame; and whereas the ſaid having appeared before us in purſuance of our ſummons for that purpoſe, hath not ſhewed to us any ſufficient cauſe why the ſame ſhould not be paid [*or*, and whereas it hath been duly proved to us upon oath, that the ſaid hath been duly ſummoned to appear before us the ſaid juſtices, to ſhew cauſe why the ſame ſhall not be paid; but he the ſaid hath neglected to appear according to ſuch ſummons]: Theſe are therefore to require you forthwith to make diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you taken, the ſaid ſum, together with the reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, that you detain the ſum of and alſo

your reaſonable charges of taking, keeping and ſelling the ſaid diſtreſs, rendering to him the ſaid the overplus on demand; and if no ſuch diſtreſs can be made, that then you certify the ſame unto us, to the end that ſuch further proceedings may be had therein as to the law doth appertain. Given under our hands and ſeals this day of

Priſon-breaking.

Indictment for priſon-breaking by eſcaping from a conſtable.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of conſtable of our ſaid lord the king, in and for the town of in the ſaid county, on the day of in the year of the reign of at within the town and conſtablewick aforeſaid, in the county aforeſaid, did take and arreſt one late of labourer, on ſuſpicion of having committed a certain felony, in feloniouſly taking and carrying away one black mare, the property of of the value of and thereupon he the ſaid under the cuſtody of him the ſaid the conſtable aforeſaid, was brought before eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors, within the ſaid county committed; and he the ſaid by his warrant directed to the ſaid and others, did command the ſaid to carry and convey the ſaid to the gaol of our ſaid lord the king at in the county aforeſaid, there to be ſafely kept until he ſhould be lawfully delivered from thence; by virtue of which ſaid warrant, he the ſaid was taken and detained by him the ſaid and as he the ſaid was conveying and carrying him the ſaid to the gaol aforeſaid, afterwards, to wit, on the day of in the year aforeſaid, he the ſaid at aforeſaid, in the county aforeſaid, with force and arms did feloniouſly break away, and eſcape from and out of the cuſtody of him the ſaid the conſtable aforeſaid, againſt the will of him the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Indictment for breaking out of priſon.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of in the county aforeſaid on the day of in the year of the reign of at aforeſaid, in the county aforeſaid, was arreſted, impriſoned, and detained in the gaol of our ſaid lord the king, for a certain felony by him committed; that is to ſay, for the feloniouſly taking and carrying away one black mare, the property of of the value of and that he the ſaid on the day of in the year aforeſaid, with force and arms, the aforeſaid gaol of our ſaid lord the king, at aforeſaid, in the county aforeſaid, feloniouſly did break, and thereby did eſcape from and out of the ſaid gaol, againſt the peace of our ſaid lord the king, his crown and dignity.

Proceſs.

Forms of proceſs: and, firſt, of a venire.

GEORGE the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, to the ſheriff of the county of *Worceſter*, greeting: We command you that you omit not, by reaſon of any liberty in your bailiwick, but that you cauſe of in your ſaid county, to come before our juſtices aſſigned to keep our peace, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, at in your ſaid county, on the day of next enſuing, to anſwer unto us upon certain articles preſented againſt him the ſaid and have you then there this precept. Witneſs and at the day of in the year of our reign.

Form of a diſtringas.

GEORGE the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, to the ſheriff of the county of *Worceſter*, greeting: We command you that you omit not, by reaſon of any liberty in your bailiwick, but that you enter the ſame, and diſtrain of in your county by all his lands and tenements, *&c.* and that you anſwer for the iſſues thereof, *&c.* and that you have his body before our juſtices aſſigned (*and ſo on as before in the venire.*)

But if a *nihil* be returned at firſt upon the *venire facias*, then a *capias* ſhall iſſue thus,

George the third, by the grace of God, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, to the ſheriff of the county of *Worceſter*, greeting: We command you that you omit not, by reaſon of any liberty in your bailiwick, but that you enter the ſame, and take of in your county if he ſhall be found in your bailiwick, and him cauſe to be ſafely kept, ſo that you have his body before our juſtices aſſigned to keep our peace, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, at in your county, on the day of next enſuing, to anſwer unto us concerning divers treſpaſſes, contempts, and offences, of which he is indicted; and have you then there this writ. Witneſs and at the day of in the year of our reign.

At which day ſheriff of the county aforeſaid, returned, that he is not found in his bailiwick, and he did not come. Therefore it is commanded as before.

Note. The cauſe why the entry is made *and he did not come*, is, becauſe the party may appear voluntarily, and ſo avoid the attachment or arreſting of his body.

The alias capias.

GEORGE to the ſheriff we command you, as we before commanded you, that you omit not (*as before.*)

At which day (*as before*) and he did not come. Therefore it is commanded to the ſheriff, as it hath been often commanded, *&c.*

The pluries capias.

GEORGE, *&c.* to the ſheriff, *&c.* we command you, as we have often commanded you, that you omit not (*as before.*)

At which day knight, the ſheriff aforeſaid, returned, that the aforeſaid is not found in his bailiwick, and he did not come. Therefore it is commanded, that you cauſe to be demanded, &c.

The Exigent.

GEORGE, &c. To the ſheriff, &c. greeting. We command you that you cauſe of in your county, yeoman, to be demanded, until, by the law and cuſtom of our kingdom of *England*, he be out-lawed, if he ſhall not appear; and if he ſhall appear, that then you take him, and cauſe him to be ſafely kept, ſo that you have his body before our juſtices aſſigned to keep our peace, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in your ſaid county committed, at the general quarter-ſeſſions of the peace of your county, next after the feaſt of next enſuing, to be held, whereſoever in the ſame county the ſaid ſeſſions ſhall happen to be holden, to anſwer unto us of divers treſpaſſes, contempts, and offences of which he is indicted. And have you there then this writ. Witneſs, Sir baronet, at in the ſaid county, the day of in the year of our reign

At which day knight, ſheriff of the county aforeſaid, returned, that at the county holden at the day of in the year of the reign of our lord the king that now is, and ſo at four other counties then next following, there holden, the aforeſaid was demanded, and did not appear. Therefore, by the judgment of the coroner of our ſaid lord the king, in the county aforeſaid, he was outlawed.

The Capias Utlagatum.

GEORGE, &c. To the ſheriff, &c. greeting. We command you, that you omit not, by reaſon of any liberty in your county, but that you take late of in your county, labourer, if he ſhall be found within your county, and him cauſe ſafely to be kept, ſo that you have his body before the keepers of our peace and our juſtices aſſigned to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in your county committed, at the day of to ſtand right in our court before our juſtices aforeſaid, upon a certain outlawry againſt him the ſaid promulged, at our ſuit for certain felonies (or treſpaſſes) whereof he was convicted the day of And have you then there this writ. Witneſs, &c.

Rape.

Indictment for a Rape. See vol. 3, p. 810.

Worceſterſhire. } THE jurors of our lord the king, upon their oath, preſent, That late of in the county of not having God before his eyes, but being moved and ſeduced by the inſtigation of the devil, on the day of in the year of the reign of with force and arms at in the county aforeſaid, in and upon one ſpinſter, in the peace of God and of our ſaid lord the king then and there being, violently and felonioufly did make an aſſault, and her the ſaid againſt the will of her the ſaid then and there did raviſh and carnally know, againſt the peace of our ſaid lord the king, and againſt the form of the ſtatute in ſuch caſe made and provided.

Recognizance.

Recognizance with ſureties. See vol. 3, p. 812.

Worceſterſhire. } BE it remembered, that on the day of in the year of the reign of our lord *George* the third of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, of in the county aforeſaid, and of in the county aforeſaid, perſonally came before me one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and acknowledged themſelves to owe to our ſaid lord the king, that is to ſay, the ſaid the ſum of and the ſaid and each the ſum of pounds ſeverally, of good and lawful money of *Great-Britain*, to be made and levied of their goods and chattels, lands and tenements reſpectively, to the uſe of our ſaid lord the king, his heirs and ſucceſſors, if the ſaid ſhall make default in the condition hereon indorſed [*or* here underwritten.]

Acknowledged before me

Recognizance without ſureties.

Worceſterſhire. } BE it remembered, that on the day of in the year of the reign of our lord *George* the third, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, of in the ſaid county, perſonally came before me one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and acknowledged himſelf to owe to our ſaid lord the king, pounds of good and lawful money of *Great Britain*, to be made and levied of his goods and chattels, lands and tenements, to the uſe of our ſaid lord the king, his heirs and ſucceſſors, if he the ſaid ſhall fail in the condition underwritten [*or*, indorſed.]

The condition of the above written [or, *within written*] *recognizance is ſuch, that if the above bound ſhall appear at the next aſſizes to be holden in and for the ſaid county, and give evidence, &c. then the ſaid recognizance to be void, or elſe to remain and ſtand in full force.*

Reſcue.

Indictment for a reſcue. See vol. 3, p. 813.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That on the day of in the year of the reign of *A.* eſquire, one of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors, in the ſaid county committed, did make, direct, and deliver, a warrant or precept in writing to of in the ſaid county, conſtable of

of the town of aforeſaid, in the county aforeſaid, by which ſaid warrant, he the ſaid the conſtable aforeſaid, was commanded to take the body of late of and bring and have him the ſaid before the ſaid to be examined by him the ſaid concerning an aſſault ſaid to have been committed by him the ſaid upon of which ſaid the conſtable aforeſaid, afterwards, that is to ſay, on the day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, by virtue of the ſaid warrant, did take and arreſt him the ſaid for the cauſe aforeſaid, and him the ſaid in his cuſtody, by virtue of the ſaid warrant, then and there had; and that the ſaid late of aforeſaid, in the county aforeſaid, and late of the ſame well knowing the ſaid ſo to be arreſted as aforeſaid, afterwards, to wit, on the ſaid day of in the year aforeſaid, in the county aforeſaid, with force and arms, in and upon the ſaid the conſtable aforeſaid, then and there being in the peace of God and of our ſaid lord the king, and in the execution of his ſaid office, then and there being, did make and aſſault, and him the ſaid then and there did beat, wound, and ill treat; and that the ſaid him the ſaid out of the cuſtody of the ſaid and againſt the will of the ſaid then and there, with force and arms, unlawfully did reſcue and put at large, to go where he would; and that the ſaid himſelf, out of the cuſtody of the ſaid and againſt the will of the ſaid then and there with force and arms, unlawfully did reſcue and eſcape at large, where he would go, in contempt of our ſaid lord the king and his laws, to the great damage of the ſaid to the evil example of all others in the like caſe offending, and againſt the peace of our ſaid lord the king, his crown and dignity.

Riot, Rout, and unlawful Aſſembly.

Indictment for a riot. See vol. 3, p. 816.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That *A.* late of the pariſh of in the county of *B.* late of the ſame, *C.* and *D.* late of the ſame, and divers other perſons (to the jurors aforeſaid as yet unknown) on the day of in the year of the reign of at the pariſh aforeſaid, in the county aforeſaid, with force and arms, unlawfully, riotouſly, and routouſly did aſſemble and gather together, to diſturb the peace of our ſaid lord the king; and ſo being then and there aſſembled, and gathered together, in and upon one in the peace of God and of our ſaid lord the king then and there being, unlawfully, riotouſly and routouſly, did make an aſſault, and him the ſaid then and there unlawfully, riotouſly, and routouſly did beat, wound, and ill treat, and other wrongs to the ſaid then and there unlawfully, riotouſly and routouſly did; to the great damage of the ſaid and againſt the peace of our ſaid lord the king, his crown and dignity.

Record

Record of a riot on view. See ſtat. 13 Hen. 4, c. 7, in vol. 3, p. 818.

Worceſterſhire. } BE it remembered that on the day of in the year of the reign of we and eſquires, two of the juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and knight, ſheriff of the ſaid county, at the complaint and requeſt of of in the county aforeſaid, in our proper perſons have come to the manſion-houſe of him the ſaid in aforeſaid, and then and there do find —— —— and —— and other malefactors, and diſturbers of the peace of our ſaid lord the king, to us unknown, to the number of eleven perſons, in a warlike manner arrayed, *to wit*, with clubs, ſwords and guns, unlawfully, riotouſly and routouſly aſſembled, and the ſame houſe beſetting, many evils againſt him the ſaid threatning to the like diſturbance of the peace of our ſaid lord the king, and terror of his people, and againſt the form of the ſtatute in that caſe made and provided; and therefore we the aforeſaid and the aforeſaid and do then and there cauſe to be arreſted, and to the next gaol of our ſaid lord the king, in the county aforeſaid, to be conveyed, by our view and record of the unlawful aſſembly, riot, and rout aforeſaid convicted, there to remain every and each of them reſpectively, until they ſhall ſeverally and reſpectively have paid to our ſaid lord the king, the ſeveral ſum of ten pounds each, which we do impoſe upon them, and every of them ſeparately, for their ſaid offence. In teſtimony whereof to this our preſent record we do put our ſeals. Dated at aforeſaid, the day and year aforeſaid.

Commitment of the rioters upon view.

Worceſterſhire. } *and two of the juſtices of our lord the king, aſſigned to keep the peace within the ſaid county, and knight, ſheriff of the ſaid county, to the keeper of the gaol of our ſaid lord the king at in the ſaid county, and to his deputy and deputies there, and to every of them, greeting.*

WHEREAS, upon complaint made unto us by of we did this preſent day of go to the houſe of the ſaid at aforeſaid, and there did ſee —— —— —— and other malefactors to us unknown, aſſembled together in an unlawful, riotous and routous manner, to the terror of the people, and againſt the peace of our ſaid lord the king, and againſt the form of the ſtatute in that caſe made and provided; we do therefore ſend you, by the bringers hereof, the bodies of the ſaid and convicted of the ſaid riot, rout, and unlawful aſſembly, by our own view, teſtimony and record; commanding you, in the name of our ſaid lord the king, to receive them into the ſaid gaol, and them and every of them reſpectively there ſafely to keep, until they and every of them ſhall reſpectively pay to our ſaid lord the king, the ſeveral and reſpective ſum of ten pounds each, which we have ſet and impoſed upon them and each and every of them ſeparately for the ſaid offence. Given under our hands and ſeals, at aforeſaid in the county aforeſaid, the day and year aforeſaid.

Precept to ſummon a jury.

Worceſterſhire. } —— and two of the juſtices of our lord the king aſſigned to keep the peace in the county aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, to the ſheriff of the ſaid county greeting. On the behalf of our ſaid lord the king, we command you that you cauſe to come before us at in the county

aforeſaid, on the day of next enſuing, twenty-four honeſt and lawful men of the county aforeſaid, every one of which to have lands and tenements within the ſaid county, to the yearly value of twenty ſhillings, of charter land or freehold, or of twenty-ſix ſhillings and eight pence of copyhold, or of both, over and above all charges, to inquire for our ſaid lord the king; and for our indemnity in this behalf, upon their oath, of certain riots, routs, and unlawful aſſemblies, at in the county aforeſaid, lately committed, as it is ſaid, and that you return upon every perſon ſo by you to be impanelled twenty ſhillings of iſſues at the aforeſaid day, to be by them reſpectively forfeited, if they ſhall not appear and be ſworn to inquire of the premiſſes at the ſaid time and place; and this you ſhall in no wiſe omit, on pain of twenty pounds. Given under our hands and ſeals at aforeſaid, in the county aforeſaid, the day of in the year of the reign of

Jurors' oath.

YOU ſhall true inquiry and preſentment make of all ſuch things as ſhall come before you concerning a riot, rout and unlawful aſſembly, ſaid to have been lately committed at in this county; you ſhall ſpare no one for favour or affection, nor grieve any one for hatred or ill-will, but proceed herein according to the beſt of your knowledge, and according to the evidence that ſhall be given to you. *So help you God.*

The oath which your foreman hath taken on his part, you and every of you ſhall well and truly obſerve, and keep on your parts. *So help you God.*

The inquiſition, indictment, or preſentment of the jury.

Worceſterſhire. } AN inquiſition for our lord the king, indented and taken at in the county aforeſaid, the day of in the year of the reign of by the oath of honeſt and lawful men of the county aforeſaid, before and juſtices of our ſaid lord the king, aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, who ſay upon their oath aforeſaid, that of , , of , , of , together with other malefactors and diſturbers of the peace of our ſaid lord the king, to the jurors aforeſaid as yet unknown, on the day of now laſt paſt, at aforeſaid, in the county aforeſaid, with force and arms, *to wit*, with clubs, ſwords and guns, unlawfully, routouſly and riotouſly, did aſſemble to diſturb the peace of our ſaid lord the king; and ſo being then and there aſſembled and gathered together, the manſion-houſe of , at aforeſaid, unlawfully, routouſly, and riotouſly did enter, and in and upon him the ſaid then and there unlawfully, routouſly and riotouſly did make an aſſault, and him the ſaid then and there unlawfully, routouſly and riotouſly, did beat, wound and ill treat, in diſturbance of the peace of our ſaid lord the king, and to the terror of his people, and againſt the form of the ſtatute in ſuch caſe made and provided.

We the juſtices aboveſaid do hereby impoſe the fines hereunto written on the aboveſaid offenders.

	£.
A. - -	20
B. - -	20
C. - -	20

We whoſe names are hereunto ſet, the aboveſaid jurors, do find this inquiſition true.

A. ——
C. —— &c.

Robbery.

Notice in the Gazette before the action brought againſt the hundred. See ſtat. 8 Geo. 2, c. 16, in vol. 3, p. 846.

NOTICE is hereby given (purſuant to an act of parliament made in the eighth year of the reign of his late majeſty king *George* the ſecond, intitled, *An act for the amendment of the law relating to actions on the ſtatute of hue and cry*) that of in the county of , , on the day of now laſt paſt, between the hours of and in the noon of the ſame day, was overtaken and robbed by two perſons, in the highway between and in the county of one of them being a tall thin man, marked on the face with the ſmall-pox, and having on a brown riding coat, and mounted on a black mare; the other a middle ſized man, wearing his own hair, of a light brown colour, and riding on a grey gelding; which perſon took from the ſaid twenty guineas in gold, ſhillings in ſilver, and a gold watch, and then made off.

Examination of a perſon robbed before the action brought.

Worceſterſhire. } THE examination of of in the ſaid county, taken on oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, dwelling in [*or* near to] the hundred of within the ſaid county, the day of in the year of the reign of Who ſaith, that on the day of this preſent month of between the hours of and in the afternoon of the ſame day, at or near a place called he was aſſaulted in the highway there leading from to by two horſemen, whereof one was a tall luſty man, wearing a black wig, and a blue grey coat; mounted on a bay gelding, about fifteen hands high, with a black mane and tail, and ſtar in his forehead; and the other a middle ſized man of a ſwarthy complexion, having a large ſcar on his left cheek, having on a dark brown riding coat, and mounted on a black gelding; and by them robbed in the highway aforeſaid, of the ſum of in money, one ſilver watch of the value of four pounds, and one pocket-book: And that he the ſaid at the time of the ſaid robbery committed, did not know, nor yet doth know, either of the ſaid perſons who committed the ſame: And that he is ſince informed, that the ſaid highway and place where he was ſo robbed as aforeſaid, are in the pariſh of and within the hundred of in the ſaid county.

Taken, made and ſigned the day and year above written, before me, ———

Warrant to levy hue and cry on a robbery having been committed.

Worceſterſhire. } *To all conſtables and other officers, as well in the ſaid county, as elſewhere, to whom the execution hereof doth or ſhall belong.*

WHEREAS of in the county of hath this day made information upon oath, before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county of *W.* that on this preſent day of in the year of the reign of betwixt the hours of three and four in the afternoon of the ſame day, at a place called in the ſaid county of *W.* in the king's highway there, two

malefactors and felons, to him the said unknown, in and upon him the said then and there being in the peace of God, and of our lord the king, feloniously did make an assault, and him the said then and there feloniously did put in great fear and danger of his life, and the sum of of lawful money of *Great Britain*, of the goods and chattels of him the said from the person and against the will of him the said then and there violently and feloniously did steal, take, and carry away; and that one of the said malefactors and felons, to him the said unknown, is a tall, strong man, and seemeth to be about the age of years, is pitted in the face with the small-pox, and hath the scar of a wound under his left eye, and had then on a dark brown riding coat, *&c.* and did ride upon a bay gelding with a star on his forehead; and the other, *&c.* And that after the said felony and robbery committed, they the said malefactors and felons, to him the said unknown, did fly, and withdraw themselves to places unknown, and are not yet apprehended: These are therefore to command you forthwith to raise the power of the towns within your several precincts, and to make diligent search therein, for the persons above described, and make fresh pursuit, and hue and cry after them from town to town, and from county to county, as well by horsemen as by footmen; and to give due notice hereof in writing, describing in such notice the persons and the offence aforesaid, unto every next constable on every side, until they shall come to the sea-shore, or until the said malefactors and felons shall be apprehended; and all persons whom you or any of you shall, as well upon such search and pursuit, as otherwise, apprehend, or cause to be apprehended, as justly suspected for having committed the said robbery and felony, that you do carry forthwith before some of his said majesty's justices of the peace in and for the county where he or they shall be so apprehended, to be by such justice examined, and dealt with according to law. And hereof fail you not respectively, upon the peril that shall ensue thereon. Given under my hand and seal, at in the said county of *W.* the day of aforesaid, in the year aforesaid.

Indictment for a robbery.

Worcestershire. } THE jurors for our lord the king, upon their oath, present, That late of in the county of on the day of in the year of the reign of with force and arms, at in the county of in the king's highway there, upon one in the peace of God, and of our said lord the king, then and there being, feloniously did make an assault, and him the said in bodily fear and danger of his life, in the highway aforesaid, then and there feloniously did put, and one gold watch of the value of of the goods and chattels of him the said from the person and against the will of the said in the highway aforesaid, then and there feloniously and violently did steal, and carry away, against the peace of our said lord the king, his crown and dignity.

Servants.

Complaint of a servant for wages; on stat. 20 Geo. 2, c. 19, and 31 Geo. 2, c. 11. See vol. 3, p. 888, 889.

Worcestershire. } THE information and complaint of late of in the county aforesaid, exhibited before me esquire, one of his majesty's justices of the peace for the said county, the day of in the year who on his oath saith, that at last, he was hired by of aforesaid, in the county

county aforeſaid, to be his ſervant in huſbandry, for the term of one year [*or as the caſe ſhall be*] for the wages of that he the ſaid hath duly performed the ſaid ſervice, and that he the ſaid refuſeth to pay to him the ſaid the wages juſtly due unto him for the ſaid ſervice; and thereupon, he the ſaid prayeth that juſtice may be done, and that the ſaid may be ſummoned before me the juſtice aforeſaid, to anſwer unto the ſaid complaint.

A ſummons of the maſter for wages, on complaint of the ſervant; on 20 G. 2, c. 19. See vol. 3, p. 888.

Worceſterſhire. } *To the conſtable of in the ſaid county.*

WHEREAS information and complaint hath been made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, huſbandman, that he the ſaid was duly hired by of in the ſaid county, huſbandman, to be a ſervant in huſbandry to and with him the ſaid for one whole year, *to wit*, from in the year of our Lord to now laſt paſt (*or* labourer, *or* artificer, *or as the caſe ſhall be*) for the wages of and accordingly that he the ſaid hath duly performed the ſaid ſervice; yet, nevertheleſs, that he the ſaid hath refuſed, and doth refuſe to pay unto him the ſaid the wages juſtly due to him for his ſaid ſervice: Theſe are therefore to command you forthwith to ſummon the ſaid to appear before me at in the ſaid county, on the day of this preſent month of at the hour of in the afternoon of the ſame day, to ſhew cauſe why the ſaid wages ſhould not be paid. And be you then there to certify what you ſhall have done in the premiſſes. Given under my hand and ſeal the day of in the year of the reign of

Order for payment of the ſame.

Worceſterſhire. } WHEREAS information and complaint hath been made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, huſbandman, that he the ſaid. was duly hired by of in the ſaid county, huſbandman, to be a ſervant in huſbandry to and with him the ſaid for one whole year, *to wit*, from in the year of our Lord to now laſt or paſt [*or* artificer, glaſsman, pitman, labourer, *or otherwiſe, as the caſe ſhall be*] and that he the ſaid hath duly performed the ſaid ſervice; yet, nevertheleſs, that he the ſaid *did* refuſe to pay to him the ſaid the wages juſtly due unto him for ſuch ſervice aforeſaid; and whereas the ſaid having appeared before me in purſuance of my ſummons for that purpoſe, hath not proved to me, that the ſaid wages have been duly paid to him the ſaid as aforeſaid, nor hath ſhewed to me any juſt cauſe why the ſaid wages ſhould not be paid, and hath not paid the ſame: [*or*, And whereas it duly appears to me, as well upon the oath of conſtable of aforeſaid, as otherwiſe, that he the ſaid by virtue of my precept to him directed, did duly ſummon the ſaid to appear before me at a certain time and place therein prefixed, to ſhew cauſe why the ſaid wages ſhould not be paid; and whereas the ſaid hath neglected to appear according to the ſaid ſummons, and hath not ſhewed any cauſe, as aforeſaid,] I therefore, having duly examined into the truth and matter of the ſaid complaint, and upon due conſideration had thereof, do hereby adjudge, determine, and order, that he the ſaid upon due notice hereof, do pay, or cauſe to be paid to him the ſaid the ſum of which appears to me to be juſt and reaſonable to be paid by him the ſaid to him the ſaid as and for his wages as aforeſaid. Given under my hand and ſeal the day of in the year of the reign of

Warrant

Warrant of diſtreſs for the ſame.

Worceſterſhire. } *To the conſtable of*

WHEREAS of in the ſaid county, huſbandman, hath duly complained unto me one of his majeſty's juſtices of the peace in and for the ſaid county, that of in the ſaid county, huſbandman, hath refuſed to pay unto him the ſaid the wages juſtly due unto him for ſervice in huſbandry, for one whole year, truly and faithfully perfotmed by him the ſaid to him the ſaid (*or as the caſe ſhall be*); and whereas the ſaid having appeared before me, in purſuance of my ſummons for that purpoſe, hath not proved to me that the ſaid wages have been paid to him the ſaid as aforeſaid, and hath not ſhewn any juſt cauſe why the ſame ſhould not be paid [*or*, And whereas the ſaid hath been duly ſummoned by me, to ſhew cauſe to me why the ſaid wages ſhould not be paid, but he the ſaid hath neglected to appear according to the ſaid ſummons, and hath not ſhewed any cauſe as aforeſaid,] I therefore, the ſaid juſtice, upon due conſideration had thereof, on the day of now laſt paſt, by writing under my hand and ſeal, did thereupon determine and order that he the ſaid ſhould pay to him the ſaid the ſum of which appeared to be juſt and reaſonable to be paid by him the ſaid to him the ſaid as and for his wages as aforeſaid; and whereas it duly appears to me that the ſaid on the ſaid day of now laſt paſt, had due notice of my ſaid order; and that due demand of the ſaid ſum of was then made of him the ſaid by him the ſaid but that he the ſaid did not then pay, nor hath yet accepted the ſame, nor any part thereof; theſe are therefore to command you to make diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you made, the ſaid ſum of together with the reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by the ſale thereof, that you pay the ſaid ſum of unto him the ſaid returning the overplus upon demand unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs, being thereout firſt deducted. Given under my hand and ſeal the day of in the year

Warrant for a ſervant on complaint of the maſter for miſbehaviour; on the 20 Geo. 2, cap. 19.

Worceſterſhire. } *To the conſtable of*

WHEREAS information and complaint hath been made unto me one of majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, huſbandman [artificer, labourer, *or as the caſe ſhall be*] that of aforeſaid, in the ſaid county, huſbandman, was hired by the ſaid to be ſervant in huſbandry to him the ſaid for one whole year, from now laſt paſt, until now next enſuing; and that he the ſaid hath in his ſaid ſervice [*or* employment] been guilty of divers miſdemeanors, miſcarriages, and ill-behaviour, towards him the ſaid and particularly (*as the caſe ſhall be:*) Theſe are therefore to command you forthwith to bring the ſaid before me, to anſwer unto the ſaid complaint, and to be further dealt withal according to law. Given under my hand and ſeal the day of in the year of the reign of

Commitment

Commitment of the ſervant thereupon to the houſe of correction.

Worceſterſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction, at in the ſaid county.*

WHEREAS information and complaint hath been made [*the ſame as above, reciting the complaint*] and whereas, in purſuance of the ſtatute in that caſe made and provided, I have duly examined the proofs and allegations of both the ſaid parties touching the matter of the ſaid complaint; and, upon due conſideration had thereof, have adjudged and determined, and do hereby adjudge and determine, the ſaid complaint to be true: Theſe are therefore to command you the ſaid conſtable forthwith to convey the ſaid to the ſaid houſe of correction at aforeſaid, and to deliver him to the keeper thereof, together with this warrant: And I do hereby command you the ſaid keeper to receive the ſaid into your cuſtody into the ſaid houſe of correction, there to remain, and be corrected, and held to hard labour for the ſpace of one calendar month [*or for a leſſer time*] from the date hereof. And for your ſo doing, this ſhall be your ſufficient warrant. Given under my hand and ſeal the day of in the year of the reign of

Or otherwiſe, he may be puniſhed by abatement of wages, as follows:

The ſame as above to———and do hereby adjudge and determine the ſaid complaint to be true: I do therefore hereby order, as a puniſhment for the ſaid offence, that the ſaid ſhall abate from his wages to be paid to him by the ſaid the ſum of and do hereby diſcharge the ſaid from the payment of the ſaid ſum of as part of the wages of him the ſaid . Given under my hand and ſeal the day of in the year

Or otherwiſe he may be diſcharged, thus:

———and do hereby adjudge and determine the ſaid complaint to be true: I do therefore, hereby order, as a puniſhment for the ſaid offence, that the ſaid be diſcharged, and do hereby diſcharge him the ſaid from his ſaid ſervice [*or* employment] and the ſaid from keeping him the ſaid . Given under my hand and ſeal the day of in the year of the reign of

Complaint of a ſervant againſt the maſter for ill uſage, on the ſtatute 20 G. 2, c. 19. See vol. 3, p. 888.

Worceſterſhire. } BE it remembered, that this day of in the year *A* of in the county aforeſaid, huſbandman (labourer, &c.) complaineth, and maketh oath before me eſquire, one of his majeſty's juſtices of the peace in and for the ſaid county, that at laſt, he the ſaid *A* was hired by of aforeſaid, in the county aforeſaid, huſbandman, to be ſervant in huſbandry to him the ſaid for the ſpace of [*or as the caſe ſhall be*] and that he the ſaid *A* did accordingly, at laſt, as aforeſaid, enter upon, and afterwards until this preſent time hath continued, and doth continue in the ſaid ſervice or employment, and that he the ſaid during the ſaid ſervice, hath miſuſed him the ſaid *A* and particularly [*here ſet forth the ſpecial offences*]; and thereupon, he the ſaid *A* prayeth, that judgment may be done in the premiſſes.

Summons of the maſter, on complaint of the ſervant for ill uſage; on the 20 Geo. 2, c. 19. See vol. 3, p. 888.

Worceſterſhire. } *To the conſtable of*

WHEREAS complaint hath been made unto me one of his majeſty's juſtices of the peace in and for the ſaid county, upon the oath of of in the ſaid county, huſbandman [labourer, *&c.*] that he the ſaid was duly hired by of aforeſaid, in the ſaid county, huſbandman, to be ſervant in huſbandry to him the ſaid [*or as the caſe ſhall be*] for one whole year, to commence from now laſt paſt; and the ſaid did accordingly, at the time aforeſaid, enter upon, and afterwards unto this preſent time hath continued, and doth continue in the ſaid ſervice, [*or* employment] but that he the ſaid during the ſaid ſervice, hath miſuſed him the ſaid [refuſed neceſſary proviſion, been guilty of cruelty, or other ill treatment, *mentioning the particulars*]: Theſe are therefore to require you, in his majeſty's name, to ſummon the ſaid by ſhewing unto him this precept, or leaving a true copy thereof at his uſual place of abode, to appear before me on at the houſe of in in the ſaid county, at the hour of in the afternoon of the ſame day, to anſwer unto the ſaid complaint: And be you then there with this precept, to certify what you ſhall have done in the execution thereof. Given under my hand and ſeal, the day of in the year

Diſcharge of the ſervant thereupon.

The ſame as before to the end of the complaint.——And whereas the ſaid in purſuance of my ſummons for that purpoſe, hath appeared before me to anſwer unto the ſaid complaint, but hath not proved that he is not guilty of the ſaid complaint and charge; but, on the contrary, it hath been fully and duly proved before me, that he the ſaid is guilty of the ſeveral offences ſo complained of as aforeſaid [*or* Whereas it appears to me, upon the oath of conſtable of aforeſaid, that he the ſaid by virtue of my precept to him directed, did duly ſummon him the ſaid to appear before me at a reaſonable time therein prefixed, to anſwer unto the ſaid complaint; but he the ſaid hath neglected to appear according to the ſaid ſummons] I therefore, having examined into the truth and matter of the ſaid complaint, and, upon due conſideration had thereof, do hereby adjudge the ſaid complaint to be true; and thereupon do order, that the ſaid be diſcharged, and do hereby diſcharge the ſaid from his ſaid ſervice [*or* employment]. Given under my hand and ſeal the day of in the year of the reign of

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Seſſions.

Precept to ſummon the ſeſſions.

Worceſterſhire. } ——— and —— eſquires, juſtices of our ſovereign lord the king, aſſigned to keep the peace in the county of aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſaid county, and one of us of the *quorum*, to the ſheriff of the ſame county greeting:

On the behalf of our ſaid ſovereign lord the king, we command you, that you omit not, by reaſon of any liberty within your county, but that you enter therein, and that you cauſe to come before us, or ſome other juſtices aſſigned to keep the peace in the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, on the day of now next enſuing, at the hour of in the noon of the ſame day, at in the ſaid county, twenty-four good and lawful men of the body of the county aforeſaid, then and there to enquire, preſent, do, and perform, all and ſingular ſuch things which on the behalf of our ſaid ſovereign lord the king ſhall be enjoined to them; alſo that you make known to all coroners, keepers of gaols and houſes of correction, high-conſtables and bailiffs of liberties within the county aforeſaid, that they be then there, to do and fulfil the things which, by reaſon of their offices, ſhall be to be done. Moreover, that you cauſe to be proclaimed through the ſaid county in proper places, the aforeſaid ſeſſions of the peace, to be held at the day and place aforeſaid; and do you be then there, to do and execute thoſe things which belong to your office. And have you then there, as well the names of the jurors, coroners, keepers of gaols, and of houſes of correction, high-conſtables and bailiffs aforeſaid, as alſo this precept. Given under our hands and ſeals at in the county aforeſaid, the day of in the year of the reign of

The ſtile of the ſeſſions.

Worceſterſhire. } THE general quarter-ſeſſions of the peace holden at in and for the ſaid county, on the day of in the year of the reign of our ſovereign lord *George* the third, of *Great Britain*, *France* and *Ireland*, king, defender of the faith, and ſo forth, before and eſquires, and others, juſtices of our ſaid ſovereign lord the king, aſſigned to keep the peace in the ſaid county; and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, and of the *quorum*, and ſo forth.

Condition of a recognizance, to appear and give evidence at the ſeſſions, in caſe where the king is a party.

THE condition of this recognizance is ſuch, that if the above bound ſhall perſonally appear at the next general quarter-ſeſſions of the peace, to be holden at in and for the county of and then and there give ſuch evidence as he knoweth againſt concerning his felonious taking and carrying away the property of and do not depart thence without leave of the ſaid court, then this recognizance to be void.

Subpœna to give evidence in caſe where the king is not party.

GEORGE the third To and of greeting. We command you and every of you, that, all buſineſs being laid aſide, and all excuſes ceaſing, you do in your proper perſons appear before our juſtices aſſigned to keep our peace in the county of and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in our ſaid county committed, at the ſeſſions of the peace to be holden at in and for the ſaid county, on the day of now next enſuing, at the hour of in the noon of the ſame day, to teſtify all and ſingular thoſe things which you or any of you ſhall know, in a certain appeal now depending between the churchwardens and overſeers of the poor of the pariſh of appellants, and the churchwardens and overſeers of the poor of the pariſh of removants, touching and concerning the removal of from the ſaid pariſh of (*or in caſe where the king is a party*) to teſtify the truth, and give evidence in our behalf againſt in a caſe of treſpaſs and aſſault. And this you and every of you are in no wiſe to omit, under the penalty of ten pounds for you and every of you. Witneſs eſquire, the day of

A ſubpœna ticket for a witneſs.

MR. by virtue of a writ of ſubpœna, to you and others directed, and herewith ſhewn unto you, you are required perſonally to be and appear at the next general quarter ſeſſions of the peace to be holden at in and for the county of to teſtify the truth according to your knowledge, in a certain appeal now depending between the churchwardens and overſeers of the poor of the pariſh of appellants, and the churchwardens and overſeers of the poor of the pariſh of removants, concerning the removal of from the ſaid pariſh of to the ſaid pariſh of on the part of the ſaid appellants. And herein you are not to fail, on pain of forfeiting ten pounds. Dated the day of in the year of

Stock (of Companies).

Warrant of commitment for perſonating a proprietor of South-ſea ſtock. See vol. 3, p. 938.

Worceſterſhire. } *To the conſtable of*

WHEREAS information hath been given before me on oath by of that of did on the day of laſt paſt, perſonate a real proprietor of an hundred pounds capital South-ſea ſtock, and endeavour to transfer and receive the money for the ſame, by contracting with and going to the South-ſea-houſe for the purpoſe aforeſaid, contrary to the ſtatute in that caſe made and provided: Theſe are therefore to command you to convey the ſaid to the common-gaol of and to deliver him to the keeper thereof: And I do hereby command you the ſaid keeper to receive the ſaid into your gaol, and him there ſafely keep, until he ſhall be diſcharged by due courſe of law. Given under my hand and ſeal, &c.

Surety of the Peace.

Warrant for the peace. See vol. 3, p. 945.

Worceſterſhire. } *To the conſtable of in the ſaid county.*

WHEREAS of in the ſaid county came this day before me one of his majeſty's juſtices of the peace for the ſaid county, and hath taken his corporal oath, that of in the county aforeſaid, hath aſſaulted, beaten, and wounded him the ſaid and further hath threatened him concerning his body, inſomuch that he the ſaid is afraid that the ſaid will beat, wound, maim, or kill

kill him the ſaid or do him ſome other bodily harm; and thereupon he the ſaid hath prayed ſecurity of the peace to be had or granted to him againſt the ſaid These are therefore, in his majeſty's name, to command you, upon ſight hereof, to bring the ſaid before me, to find ſufficient ſureties for his perſonal appearance at the next general quarter ſeſſions of the peace to be holden in and for the ſaid county, then and there to anſwer the premiſſes, and in the mean time that he the ſaid keep the peace towards our ſaid lord the king, and all his liege people, and eſpecially towards the ſaid Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of our lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king.

Recognizance for the peace.

Worceſterſhire. } BE it remembered, that on the day of in the year of the reign of our lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, of in the ſaid county, of the ſame place, and of the ſame place came before me one of his majeſty's juſtices of the peace for the ſaid county, and acknowledged themſelves to owe to our ſaid lord the king, *to wit*, the ſaid the ſum of twenty pounds, the ſaid the ſum of ten pounds, and the ſaid the ſum of ten pounds, of good and lawful money of *Great Britain*, to be reſpectively made and levied of their ſeveral goods and chattels, lands and tenements, to the uſe of our ſaid lord the king, his heirs and ſucceſſors, if he the ſaid ſhall fail in performing the condition indorſed [*or*, underwritten.]

Acknowledged before me

The condition of this recognizance is ſuch, that if the within bounden [*or* above bounden] ſhall perſonally appear at the next general quarter ſeſſions of the peace to be holden in and for the county aforeſaid, to do and receive what ſhall then and there be injoined him by the court, and in the mean time ſhall keep the peace towards the king and all his liege people, and eſpecially towards of in the ſaid county then the ſaid recognizance ſhall be void, or elſe remain in its full force.

Mittimus for want of ſureties.

Worceſterſhire. } *To the conſtable of and to the keeper of in the ſaid county.*

WHEREAS of in the ſaid county is now brought before me one of his majeſty's juſtices of the peace for the ſaid county, requiring him to find ſufficient ſureties to be bound with him in a recognizance for his perſonal appearance at the next general quarter ſeſſions of the peace to be holden in and for the ſaid county, and in the mean time to keep the peace towards our ſaid lord the king, and all his liege people, and eſpecially towards of in the ſaid county and whereas he the ſaid hath refuſed, and doth now refuſe, before me to find ſuch ſureties: Theſe are therefore, in his majeſty's name, to command you the ſaid conſtable forthwith to convey the ſaid to the common gaol of our ſaid lord the king [*or* to the houſe of correction] at in the ſaid county, and to deliver him to the keeper thereof there, together with this precept; And I do hereby command you the ſaid keeper to receive the ſaid into your cuſtody in the ſaid gaol [*or* houſe of correction] and him there ſafely to keep, until he ſhall find ſuch ſureties as aforeſaid. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of our ſaid lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king.

Form of a ſuperſedeas.

Worceſterſhire. } ——— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the ſheriff, bailiff, conſtables, and other the faithful miniſters and ſubjects of our ſaid lord the king, within the ſaid county, and to every of them, greeting: Whereas of in the ſaid county hath perſonally come before me at in the ſaid county, and hath found ſufficient ſurety, that is to ſay, of and of ; each of which hath undertaken for the ſaid under the pain of twenty pounds, and he the ſaid hath underwritten for himſelf, under the pain of forty pounds, that he the ſaid ſhall perſonally appear at the next general quarter ſeſſions of the peace to be holden in and for the ſaid county, then and there to do and receive what ſhall be injoined him by the ſaid court, and in the mean time ſhall well and truly keep the peace towards our ſaid lord the king, and all his liege people, and eſpecially towards of : Theſe are therefore, in his majeſty's name, to command you, and every of you, that you utterly forbear and ſurceaſe to arreſt, take, and impriſon, or otherwiſe by any means for the ſaid cauſe to moleſt the ſaid and if you have for the ſaid occaſion, and for none other, taken or impriſoned him the ſaid that then him you deliver, or cauſe to be delivered and ſet at liberty without further delay. Given at aforeſaid, in the county aforeſaid, under my hand and ſeal, this day of in the year of the reign of

Releaſe of the ſurety for the peace.

Worceſterſhire. } BE it remembered, that on the day of in the year of the aforeſaid hath come before me the ſaid and freely remiſed and releaſed, as much as in him lieth, the aforeſaid ſecurity of the peace by him prayed before me againſt the above-named In witneſs whereof I the ſaid have hereunto ſet my ſeal this day of

This is to be written under the recognizance; and if the juſtice only ſign, without ſealing it, it is well enough, eſpecially where the recognizance is without ſeal.

Liberate to diſcharge one committed for want of ſureties.

Worceſterſhire. } ——— eſquire, one of his majeſty's juſtices of the peace for the ſaid county, to the keeper of his majeſty's gaol at in the ſaid county, greeting: Whereas in the priſon of our ſaid lord the king now being, at the ſuit of in the ſaid county for the want of his finding ſufficient ſureties for his perſonal appearance at the next general quarter ſeſſions of the peace to be holden in and for the ſaid county, and for his keeping the peace in the mean time towards our ſaid lord the king, and all his liege people, and eſpecially towards the ſaid hath found before me ſufficient ſureties, *to wit*, of and of each of whom hath undertaken for the ſaid under the pain of and he the ſaid hath undertaken for himſelf, under the pain of forty pounds, that he the ſaid ſhall and will perſonally appear at the next general quarter ſeſſions of the peace to be holden in and for the ſaid county, and ſhall well and truly keep the peace in the mean time towards our ſaid lord the king, and all his liege people, and eſpecially towards the ſaid : Therefore, on the behalf of our ſaid lord the king, I do command you, that if the ſaid do remain in the ſaid gaol for the ſaid cauſe, and for none other, then you forbear to grieve or detain him longer, but that you deliver him thence, and ſuffer him to go at large, and that upon the pain that will fall thereon. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of our ſaid lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king.

Swearing.

Information for swearing. See vol. 3, p. 956.

Worcestershire. } THE information of of in the county aforesaid made on oath this day of in the year of the reign of before me one of his majesty's justices of the peace for the said county; who saith, that on the day of now last past, at in the parish of in the said county, he heard of in the said county swear one profane oath [*or* curse one profane curse] in these words, *to wit, &c.*

Summons on the foregoing information.

Worcestershire. } *To the constable of*

WHEREAS information hath this day been made before me one of his majesty's justices of the peace for the said county, upon the oath of of that on the day of he heard of in the said county at in the parish of in the said county, swear one profane oath [*or* curse one profane curse]: These are therefore to command you to cause the said forthwith to appear before me to answer the premisses, and to be farther dealt withal according to law. Given under my hand and seal at in the said county, the day of in the year of

Commitment for non-payment.

Worcestershire. } *To the constable of in the said county, and to the keeper of the house of correction at in the said county.*

WHEREAS of in the said county is and stands convicted this day before me one of his majesty's justices of the peace for the said county, of swearing one profane oath, on the day of this present month of at in the parish of in the said county, whereby he hath forfeited the sum of one shilling to the poor of the said parish of and whereas the said hath refused, and doth refuse, to give satisfactory security to pay the same: These are therefore to require you the said constable to convey the said to the house of correction at aforesaid, and to deliver him to the keeper thereof together with this warrant: And I do hereby command you the said keeper to receive him the said into your custody in the said house of correction, and there to detain and keep him to hard labour for the space of ten days. And for so doing this shall be your sufficient warrant. Given under my hand and seal at in the said county, the day of in the year of the reign of

And if he refuses to pay the charges, these words may be added:

satisfactory security to pay the same: And whereas the said hath likewise refused, and doth refuse, to pay the sum of one shilling, which I have settled and ascertained as and for the charges of the proceedings against him touching the premisses, and hath refused, and doth refuse, to give satisfactory security to pay the same: These are therefore to require you, &c. for the space of sixteen days

Tythes.

Complaint for ſmall tythes; on the 7 & 8 Will. 3, c. 6. See vol. 3, p. 964.

To and eſquires, two of his majeſty's juſtices of the peace in and for the county of A. of in the ſaid county, clerk,

Humbly complaineth,

THAT he the ſaid complainant did by the ſpace of twenty days and upwards, before the day of the date hereof, demand of of in the pariſh of in the county aforeſaid the ſmall tythes, offerings, oblations and obventions, juſtly become due within two years now laſt paſt, from him the ſaid unto him the ſaid complainant, to the value of four pounds, and that he the ſaid did upon the ſaid demand refuſe, and doth yet refuſe, to pay or compound for, and hath not paid nor compounded for the ſame, or any part thereof: The ſaid complainant therefore prayeth ſuch redreſs in the premiſſes as to you ſhall ſeem meet, and as to the law doth appertain. Signed the day of in the year

Summons for ſmall tythes; on the 7 & 8 Will. 3, c. 6. See vol. 3, p. 964.

Worceſterſhire. } *To the conſtable of*

WHEREAS complaint in writing hath been made unto us two of his majeſty's juſtices of the peace for the ſaid county, by of in the ſaid county, clerk, that of in the pariſh of in the ſaid county hath for above the ſpace of twenty days before the time of the ſaid complaint ſo made unto us as aforeſaid, refuſed to compound for, or to pay unto him the ſaid and hath not yet compounded for, nor paid the ſmall tythes, offerings, oblations, and obventions juſtly due from him the ſaid to him the ſaid : Theſe are therefore to command you forthwith upon ſight hereof to ſummon the ſaid to appear before us at the houſe of in in the ſaid county, on *Saturday* the day of this preſent month of at the hour of in the forenoon of the ſame day, to anſwer unto the ſaid complaint; and be you then and there to certify what you ſhall have done in the premiſſes. Given under our hands and ſeals at in the ſaid county, the day of in the year of

Order for payment of ſmall tythes; on the 7 & 8 Will. 3, c. 6. See vol. 3, page 964.

WHEREAS complaint in writing hath been made unto us two of his majeſty's juſtices of the peace for the ſaid county, by vicar of the pariſh of in the ſaid county, that of in the ſaid pariſh of in the county aforeſaid did refuſe, for the ſpace of twenty days next before the time of the ſaid complaint ſo made unto us as aforeſaid, to pay or compound for his ſmall tythes, offerings, oblations, and obventions ariſing in the ſaid pariſh of and due to him the ſaid We therefore the ſaid juſtices, being neither of us patron of the pariſh-church of aforeſaid, nor any ways intereſted in any of the ſaid tythes, offerings, oblations or obventions, having duly ſummoned the ſaid before us, and having duly

duly examined the truth and juſtice of the ſaid complaint upon oath, do find that there is juſtly due from the ſaid to the ſaid the ſum of four pounds, being the value of the ſaid tythes, offerings, oblations and obventions, become due within two years laſt paſt; and do therefore adjudge and order the aforeſaid to pay or cauſe to be paid unto the ſaid the aforeſaid ſum of four pounds, and alſo the ſum of ten ſhillings for the coſts and charges of the ſaid in proſecuting the ſaid for the recovery of his ſaid juſt dues. Given under our hands and ſeals at in the ſaid county, the day of in the year of the reign of

Warrant of diſtreſs for ſmall tythes; on the 7 & 8 Will. 3, c. 6. See vol. 3, p. 964.

Worceſterſhire. } *To the conſtable of in the ſaid county, and to the church-wardens* } *of the pariſh of in the ſaid county, and to every of them.*

WHEREAS, upon the complaint in writing of vicar of the pariſh of aforeſaid, in the county aforeſaid, of in the ſaid pariſh, in the county aforeſaid, hath been duly ſummoned to appear before us two of his majeſty's juſtices of the peace for the ſaid county, to be examined for the non-payment of his ſmall tythes, offerings, oblations and obventions, due unto the ſaid And whereas we the ſaid juſtices, being neither of us patrons of the pariſh-church of aforeſaid, nor any way intereſted in any of the ſaid tythes, offerings, oblations or obventions, have duly examined the truth and juſtice of the ſaid complaint, and have ordered him the ſaid to pay unto the ſaid the ſum of four pounds, being the value of the ſmall tythes, offerings, oblations and obventions, become due from him the ſaid to him the ſaid within two years next before the ſaid complaint ſo made unto us as aforeſaid, together with the ſum of ten ſhillings for the coſts and charges of the ſaid for the recovery of his ſaid juſt dues; making in the whole the ſum of four pounds ten ſhillings. And whereas it appeareth unto us the ſaid juſtices that the ſaid hath had due notice of our ſaid order for the ſpace of ten days and upwards, before the day of the date hereof, but hath refuſed to pay, and hath not yet paid, the ſaid ſum of four pounds ten ſhillings, nor any part thereof: Theſe are therefore to command you, jointly and ſeverally, that you or ſome one of you do forthwith diſtrain the goods and chattels of the ſaid and in caſe the ſaid ſum of four pounds ten ſhillings, together with your reaſonable charges of making and detaining the ſaid diſtreſs, be not paid or tendered to be paid by the ſaid in days next after ſuch diſtreſs made, that then you do make publick ſale of the ſaid goods and chattels ſo diſtrained as aforeſaid, and out of the money ariſing from ſuch ſale, that you pay or cauſe to be paid unto him the ſaid the ſaid ſum of four pounds ten ſhillings, and thereout alſo deduct and detain your reaſonable charges of making, keeping and ſelling the ſaid diſtreſs; and if any overplus ſhall remain, after ſuch payment and deduction as aforeſaid, that then you do render the ſame unto him the ſaid upon demand. Given under our hands and ſeals at in the ſaid county, the day of in the year.

Summons of a quaker for tythes; on the 7 & 8 Will. 3, c. 34, and 1 Geo. ſtat. 2, c. 6. See vol. 3, p. 964, 974.

Worceſterſhire. } *To the conſtable of in the ſaid county.*

WHEREAS clerk, rector of the pariſh-church of in the ſaid county, hath complained unto us and eſquires, two of his majeſty's juſtices of the peace for the ſaid county, that of in the pariſh of aforeſaid, in the county aforeſaid,

aforeſaid, being a perſon commonly called a quaker, hath refuſed to pay unto him the ſaid or to compound for the tythes, and other rights, dues, and payments belonging to the ſaid from him the ſaid These are therefore to require you forthwith to ſummon the ſaid to appear before us at the houſe of in in the ſaid county, on the day of this preſent month of at the hour of in the forenoon of the ſame day, to anſwer unto the ſaid complaint; and be you then there to certify what you ſhall have done in the premiſſes. Given under our hands and ſeals at in the ſaid county the day of in the year of the reign of

Order for quakers' tythes; on the 7 and 8 Will. 3, c. 34, and 1 Geo. 1, ſtat. 2, c. 6. See vol. 3, p. 941, 974.

Worceſterſhire. } WHEREAS complaint hath been made unto us two of his majeſty's juſtices of the peace for the ſaid county, by vicar of the pariſh of in the ſaid county, that of the pariſh of aforeſaid, in the county aforeſaid, being a perſon commonly called a quaker, hath refuſed to pay to, or to compound with him, the ſaid for his tythes, and other rights, dues and payments, belonging to the church of aforeſaid, and juſtly due unto him the ſaid . We therefore, the ſaid juſtices, being neither of us patron of the pariſh-church of aforeſaid, nor any ways intereſted in any of the ſaid tythes, rights, dues, or other payments, having duly ſummoned the ſaid before us, and having alſo duly examined the truth of the ſaid complaint upon oath; do find that there is juſtly due for the ſame from the ſaid to him the ſaid the ſum of ten pounds, and do order and appoint the aforeſaid to pay, or cauſe to be paid unto him the ſaid the aforeſaid ſum of ten pounds. And we do alſo order and appoint the aforeſaid to pay, or cauſe to be paid unto him the ſaid the further ſum of ten ſhillings for ſuch coſts and charges, concerning the premiſſes, as upon the merits of the cauſe do appear to us juſt and reaſonable. Given under our hands and ſeals at in the ſaid county, the day of in the year of the reign of

Warrant of diſtreſs for quakers' tythes; on the 7 and 8 Will. 3, c. 34, and 1 Geo. 1, ſtat. 2, c. 6. See vol. 3, p. 964, 974.

Worceſterſhire. } *To the conſtable of*

WHEREAS, upon the complaint of vicar of the pariſh-church of in the county aforeſaid of in the pariſh aforeſaid, in the county aforeſaid, being a perſon commonly called a quaker, hath been duly ſummoned to appear before and eſquires, two of his majeſty's juſtices of the peace in and for the ſaid county, to be examined for non-payment of his tythes, and other rights, dues, and payments belonging to the church of aforeſaid, and due unto him the ſaid from him the ſaid . And whereas the ſaid juſtices, upon examination thereof, have ordered him the ſaid by writing under their hands and ſeals, to pay unto him the ſaid the ſum of ten pounds for ſuch his tythes and other rights, dues, and payments as aforeſaid; and moreover, the ſum of ten ſhillings for the charges of him the ſaid in recovering the ſame, making in the whole the ſum of ten pounds ten ſhillings. And whereas it appeareth unto me eſquire, being one of the ſaid juſtices, and alſo being one of the two next juſtices to the pariſh-church of aforeſaid, in the county aforeſaid, not being patron of the ſaid church, nor any way intereſted in any of the ſaid tythes, or other rights, dues, or payments, that the ſaid hath had due notice of the ſaid order, but hath refuſed and doth refuſe to pay, and hath not paid the ſum of ten pounds ten ſhillings, nor any part thereof: Theſe

These are therefore to authorize and command you, that you do forthwith levy the aforesaid sum of ten pounds ten shillings by distress and sale of the goods and chattels of him the said and out of the money arising from such sale, that you do pay, or cause to be paid unto him the said the said sum of ten pounds ten shillings; and thereout also deduct your necessary charges of distraining, and if any overplus shall remain after such payment and deduction as aforesaid, that you do render the same unto him the said . Given under my hand and seal at in the said county, the day of in the year of the reign of

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Vagrants.

Mariner's licence to pass unapprehended; on stat. 17 Geo. 2, c. 5, sect. 3. See vol. 3, p. 991.

Worcestershire. } *To all constables and others whom it may concern.*

WHEREAS it appeareth unto me one of his majesty's justices of the peace for the said county, that mariner, did on the day of land at in the said county, and that he hath nothing wherewithal to relieve himself, and that his lawful place of abode is at . I do hereby license him to pass in days time through the town of and in the direct way to aforesaid, and to ask and take such relief in his travel in such direct way as aforesaid, as any person shall willingly give him. Given under my hand and seal at in the said county, the day of in the year of our Lord

Order upon the overseer to pay 5 s. *for apprehending a person begging in his own parish; on* stat. 17 Geo. 2, c. 5, sect. 1. See vol. 3, p. 991.

Worcestershire. } *To the overseers of the poor of the parish of in the said county.*

WHEREAS it duly appears unto me one of his majesty's justices of the peace in and for the said county, that of in the parish of in the said county, an idle and disorderly person, did on the day of go about from door to door [*or* place himself in the streets, highways and passages] in the said parish, to beg and gather alms there, and was then and there apprehended in the said parish of by an inhabitant of the said parish, and was by him brought before me, in order to be dealt withal according to law: I do hereby order you, or some, or one of you, to pay unto the said the sum of five shillings on demand, as a reward for apprehending the said he producing and delivering to you this order, and giving you a receipt for the said sum. Given under my hand and seal at in the said county, the day of in the year of the reign of

Order for payment of 10s. *for apprehending a vagrant*; *on* ſtat. 17 Geo. 2, c. 5, ſect. 5. See vol. 3, p. 992.

Worceſterſhire. } *To the high-conſtable of*

WHEREAS it duly appeareth unto me one of his majeſty's juſtices of the peace for the ſaid county, that a rogue and vagabond, was found wandering and begging [*or as the caſe ſhall be*] in the pariſh of in the ſaid county; which ſaid was this day brought before me by of yeoman, in order to be dealt with according to law: I do hereby order you to pay unto the ſaid as a reward for apprehending and bringing before me the ſaid rogue and vagabond, the ſum of ten ſhillings, within one week after demand thereof made, upon his producing and delivering to you this order, and giving unto you his receipt for the ſaid ſum. Given under my hand and ſeal at in the ſaid county, the day of

Warrant for privy ſearch; *on* ſtat. 17 G. 2, c. 5. ſect. 6. See vol. 3, p. 993.

Worceſterſhire. } *To the high conſtable of in the ſaid county.*

AT a meeting of the juſtices of our lord the king aſſigned to keep the peace within the ſaid county, held at for the diviſion of aforeſaid, this day of in the year of the reign of by us two of the ſaid juſtices aſſembled at the meeting, being reſident, living and dwelling within the ſaid diviſion;

We do hereby command you forthwith to iſſue your warrant to all the petty conſtables within your ſaid diviſion, for the making of a general privy ſearch for rogues and vagabonds according to the form herein indorſed. Given under our hands and ſeals at aforeſaid, in the county aforeſaid, the day and year aforeſaid.

The form of the ſaid high conſtable's warrant.

Worceſterſhire. } *To the conſtable of*

BY virtue of a precept from his majeſty's juſtices of the peace for the ſaid county, acting in and for the ſaid diviſion, at their ſpecial meeting for that purpoſe aſſembled, you are hereby required in his majeſty's name, commanding and taking to your aſſiſtance ſufficient men, within your conſtablewick (who are hereby required to aſſiſt accordingly), to make a general privy ſearch, in the night of the day of throughout your ſaid conſtablewick, for the finding and apprehending of rogues and vagabonds: And ſuch as you ſhall find upon ſuch ſearch, you are to carry forthwith before ſome of his ſaid majeſty's juſtices of the peace for the ſaid county, to be dealt with according to law. Herein fail you not. Given under my hand the day of in the year of our Lord.

H. C.

Examination of a vagrant; *on* ſtat. 17 Geo. 2, c. 5, ſect. 7. See vol. 3, p. 994.

Worceſterſhire. } THE examination of a rogue and vagabond, taken on oath before me one of his majeſty's juſtices of the peace in and for the ſaid county, the day of in the year of the reign of

Who

I

Who on his oath ſaith, that he was born at [*and ſo trace out the hiſtory of his life, ſo far forth as to aſcertain his legal ſettlement.*]

Taken and ſigned the day and year above written, before me the aboveſaid his † mark.

Warrant to the conſtable for whipping a vagrant; *on* ſtat. 17 Geo. 2, c. 5, ſect. 7. See vol. 3, p. 994.

Worceſterſhire. } *To the conſtable of*

WHEREAS a rogue and vagabond, was this day found wandering and begging in the pariſh of in the ſaid county, not having found any legal ſettlement there, and was thereupon apprehended, and is now brought before me one of the juſtices of our lord the king, aſſigned to keep the peace within the ſaid county, that he may be puniſhed and dealt withal according to law: Theſe are therefore to command you to ſtrip, or cauſe to be ſtripped, the ſaid naked from the middle upwards, and to whip him, or cauſe him to be publickly whipped at the common whipping-poſt in your ſaid pariſh; and afterwards to remove and convey the ſaid according to the directions of the paſs herewith delivered to you. Given under my hand and ſeal at in the ſaid county, the day of in the year

Commitment of a vagrant to the houſe of correction; *on* ſtat. 17 Geo. 2, c. 5, ſect. 7. See vol. 3, p. 994.

Worceſterſhire. } *To the conſtable of in the ſaid county, and to the keeper of the houſe of correction at in the ſaid county.*

WHEREAS a rogue and vagabond, was this day found wandering and begging in the pariſh of in the ſaid county, not having obtained any legal ſettlement there, and was thereupon apprehended, and is now brought before me one of the juſtices of our lord the king aſſigned to keep the peace within the ſaid county, that he may be puniſhed and dealt withal according to law: Theſe are therefore to command you the ſaid conſtable, to carry the ſaid to the ſaid houſe of correction, and deliver him to the ſaid keeper thereof, together with this warrant: And I do hereby command you the ſaid keeper to receive the ſaid into your cuſtody in the ſaid houſe of correction, and him there ſafely to keep until the next general quarter-ſeſſions of the peace to be holden for the ſaid county; and have you him then there, together with this precept. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of

Vagrant paſs within the ſame juriſdiction; *on* ſtat. 17 Geo. 3, c. 5, ſect. 7. See vol. 3, p. 994.

Worceſterſhire. } *To the conſtable of in the ſaid county, to receive and convey; and to the churchwardens, chapel-wardens, or overſeers of the poor of the pariſh of in the ſaid county, or either of them, to receive and obey.*

WHEREAS was apprehended within the conſtablewick of aforeſaid, in the county aforeſaid, as a rogue and vagabond, *viz.* ; and upon examination of the ſaid taken before me one of his majeſty's juſtices of the peace in and for the ſaid county (which examination is hereunto annexed), it doth appear, that : Theſe are therefore to require you the ſaid conſtable, to convey the

ſaid in the next direct way to the ſaid pariſh of within the ſaid county, and there to deliver him to ſome church-warden, chapel-warden, or overſeer of the poor of the ſame pariſh of to be there provided for according to law. And you the ſaid church-wardens, chapel-wardens, and overſeers of the poor, are hereby required to receive the ſaid perſon, and provide for him as aforeſaid. Given under my hand and ſeal the day of in the year of our Lord

Vagrant paſs from county to county; on ſtat. 17 Geo. 2, c. 5, ſect. 7. See vol. 3, p. 994.

Worceſterſhire. } *To the conſtable of in the ſaid county of and alſo to all conſtables, and other officers whom it may concern, to receive and convey; and to the church-wardens, chapel-wardens, or overſeers of the pariſh of in the county of or either of them, to receive and obey.*

WHEREAS was apprehended in the townſhip of aforeſaid, in the county of aforeſaid, as a rogue and vagabond; *viz.* ; and upon examination of the ſaid taken before me one of his majeſty's juſtices of the peace for the ſaid county of upon oath (which examination is hereunto annexed) it doth appear, that : Theſe are therefore to require you the ſaid conſtable, to convey the ſaid to the town of in the county of that being the firſt town in the next precinct, through which he ought to paſs in the direct way to the ſaid pariſh of to which he is to be ſent, and to deliver him to the conſtable or other officer of ſuch firſt town in ſuch precinct, together with this paſs, and duplicate of the examination of the ſaid taking his receipt for the ſame. And the ſaid is to be thence conveyed on in like manner to the ſaid pariſh of in the county of there to be delivered to ſome of the church-wardens or overſeers of the poor of the ſame pariſh of to be there provided for according to law. And you the ſaid church-wardens, chapel-wardens, and overſeers of the poor, are hereby required to receive the ſaid perſon, and provide for him as aforeſaid. Given under my hand and ſeal the day of in the year of our Lord

The certificate, according to the directions of the ſtatute, ſhall be in the form, or to the effect following. See vol. 3, p. 996.

WHEREAS by a paſs [*reciting the ſubſtance or effect of the ſaid paſs*] I [*or* we] do hereby order and direct the ſaid perſon [*or* perſons] to be conveyed on foot [*or* in a cart, *or* by horſe, *&c.*] to the ſaid town [*or* pariſh] of in [*or other place, deſcribing it*] in the way to ſuch pariſh [town, *or* place, *as the caſe ſhall be*] in days time; for which the ſaid conſtable [*&c.*] is to be allowed the ſum of and no more. Given under my hand [*or* our hands] this day, *&c.*

Vagrant paſs to Scotland; *on* ſtat. 17 Geo. 2, c. 5, ſect. 13. See vol. 3, p. 998.

Worceſterſhire. } *To the conſtable of in the ſaid county of and alſo to all conſtables and other officers whom it may may concern, to receive and convey; and to all conſtables and other officers within that part of* Great Britain *called* Scotland, *whom it may concern, to receive and obey.*

WHEREAS was apprehended in the town of aforeſaid, in the county of aforeſaid, as a rogue and vagabond; *viz.* and upon examination of the ſaid taken before me one of his majeſty's juſtices of the peace in and for the ſaid county of upon oath (which examination is hereunto annexed) it doth appear,

that his lawful place of ſettlement is in that part of *Great Britain* called *Scotland*: Theſe are therefore to require you the ſaid conſtable of aforeſaid, in the county of aforeſaid, to convey the ſaid to the town of in the county of that being the firſt town in the next precinct through which he ought to paſs, in the direct way to that part of *Great Britain* called *Scotland* aforeſaid, to which he is to be ſent, and to deliver him to the conſtable, or other officer of ſuch firſt town in ſuch next precinct, together with this paſs, and the duplicate of the examination of the ſaid taking his receipt for the ſame; and the ſaid is to be thence conveyed on in like manner to the next adjoining ſhire, ſtewartry, or place, in that part of *Great Britain* called *Scotland*, aforeſaid, and is there to be delivered to ſome conſtable or other officer of the next pariſh, diſtrict or place within ſuch next adjoining ſhire, ſtewartry, or place aforeſaid, taking his receipt for the ſame; and ſuch next officer in that part of *Great Britain* called *Scotland*, aforeſaid, is hereby required to receive the ſaid and give ſuch receipt as aforeſaid, and to diſpoſe of him the ſaid according to law. Given under my hand and ſeal, this day of in the year of our Lord

Vagrant paſs to Ireland; *on* ſtat. 17 Geo. 2, c. 5, ſect. 14. See vol. 3, p. 998.

Worceſterſhire. } *To the conſtable of in the ſaid county, and alſo to all conſtables and other officers whom it may concern, to receive and convey; and to all other officers of the peace whom it may concern, to receive and obey.*

WHEREAS was apprehended in the town of in the ſaid county, as a rogue and vagabond; *viz.* ; and upon examination of the ſaid taken before me one of his majeſty's juſtices of the peace in and for the ſaid county, upon oath (which examination is hereunto annexed) it doth appear that the lawful ſettlement of him the ſaid is in the kingdom of *Ireland*: Theſe are therefore to require you the ſaid conſtable of to convey the ſaid to the town of in the county of that being the firſt town in the next precinct through which he ought to paſs in the direct way to the ſaid kingdom of *Ireland*, to which he is to be ſent, and to deliver him to the conſtable or other officer of ſuch firſt town in ſuch next precinct, together with this paſs, and the duplicate of the examination of the ſaid taking his receipt for the ſame. And he the ſaid is to be thence conveyed on in like manner, until he ſhall arrive in the county of ; and the conſtable or other officer to whom he ſhall be delivered in the ſaid county of is hereby required to apply to ſome juſtice of the peace in and for the ſaid county of for a warrant to the maſter of any ſhip or veſſel bound for the ſaid kingdom of *Ireland*, that ſhall lie in the ſaid county of to take on board the ſaid ſhip or veſſel, him the ſaid and convey him to ſuch place in the ſaid kingdom of *Ireland* as ſuch ſhip or veſſel ſhall be bound unto. Given under my hand and ſeal the day of in the year of our Lord

Warrant to a maſter of a ſhip to export a vagrant; *on* ſtat. 17 Geo. 3, c. 5, ſect. 14. See vol. 3, p. 998.

Worceſterſhire. } ——— *eſquire, one of the juſtices of our lord the king, aſſigned to keep the peace within the ſaid county, to maſter of the ſhip called the of now lying or being at and bound for in the kingdom of* Ireland, *ſendeth greeting.*

THESE are, in the name of our ſaid lord the king, to require you to take on board the ſaid ſhip and vagrants, both of them being natives of the kingdom of *Ireland* aforeſaid, and having no ſettlement in *England*, and them to convey to aforeſaid,

aforeſaid, in the kingdom of *Ireland* aforeſaid, or to ſuch other place in that kingdom as you ſhall arrive at; and for the charges thereof, you ſhall take, and conſtable of at the time he ſhall ſerve you with this warrant, ſhall pay, and is hereby required to pay unto you, the ſum of in the whole; that is, at the rate of a head for each of the ſaid vagrants ſo to be delivered unto you, the ſame being the rate laſt appointed by the juſtices of our ſaid lord the king aſſigned to keep the peace within the ſaid county, at their general quarter-ſeſſions of the peace held in and for the ſaid county; and you are, on the back of this warrant, to ſign a receipt for the money ſo paid, and alſo for the ſaid vagrants ſo delivered unto you. Given under my hand and ſeal at in the ſaid county, the day of in the year

Warrant to ſecure a lunatick; on ſtat. 17 Geo. 2, c. 5, ſect. 20. See vol. 3, p. 94.

Worceſterſhire. } *To the conſtables, churchwardens, and overſeers of the poor of*

WHEREAS it hath been proved before us two of the juſtices of our lord the king aſſigned to keep the peace within the ſaid county, upon the oaths of and both of the pariſh of in the county aforeſaid, gentlemen, that late of frequently goeth at large in the ſaid pariſh of and that the ſaid is by lunacy ſo far diſordered in his ſenſes, that he is dangerous to be permitted to go abroad; and that his legal ſettlement is in the pariſh of: Theſe are therefore to authorize and require you, and every of you, to cauſe the ſaid to be apprehended and kept ſafely locked up in the houſe of at in the ſaid county, the ſaid being willing to keep and entertain the ſaid for a reaſonable allowance in that behalf, and the ſaid houſe being a ſecure place. And the ſaid is to be kept ſo locked up, only ſo long as ſuch lunacy or diſorder ſhall continue, and no longer. Given under our hands and ſeals at in the ſaid county, the day of

Order to charge the lunatick's eſtate with his keeping, maintenance and cure, on ſtat. 17 Geo. 2, c. 5, ſect. 20. See vol. 3, p. 94.

Worceſterſhire. } *To the churchwardens and overſeers of the poor of the pariſh of in the ſaid county.*

WHEREAS late of in the ſaid county, being a perſon lunatick, and ſo far diſordered in his ſenſes, that he was and is dangerous to be permitted to go abroad, hath by warrant under the hands and ſeals of us two of his majeſty's juſtices of the peace for the ſaid county, been apprehended, and ſafely locked up in the houſe of at in the ſaid county, the ſaid houſe being a ſecure place for that purpoſe. And whereas it appears to us, on the oaths of churchwarden, and overſeer of the poor of the pariſh of that they, the ſaid churchwarden and overſeer, have reaſonably expended the ſum of in removing the ſaid to the ſaid houſe of the ſaid and in keeping, maintaining, and curing him there: Theſe are therefore to authorize and command you, to ſeize and ſell ſo much of the goods and chattels, and to receive ſo much of the annual rents of the lands and tenements of him the ſaid within your ſaid pariſh, as ſhall be neceſſary to pay the ſame; and for what ſhall be ſo ſeized, ſold, or received by you, you are to account at the next quarter-ſeſſions of the peace to be holden for the ſaid county. Given under our hands and ſeals, at in the ſaid county, the day of

Record

Record to avoid the ſettlement of a baſtard-child born in vagrancy.

Worceſterſhire. } BE it remembered, that on the in the year of the reign of our ſovereign lord *George* the third, of *Great Britain*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, and overſeers of the poor of the pariſh of in the ſaid county, at in the ſaid county, do bring unto me one of the juſtices of our ſaid lord the king aſſigned to keep the peace within the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, the body of one and do complain unto me the juſtice aforeſaid, and give me to be informed, that on the day of in the year aforeſaid, at in the pariſh aforeſaid, in the county aforeſaid, ſhe the the ſaid was wandering and begging, and that ſhe the ſaid then and there, to wit, on the day of at aforeſaid, in the pariſh aforeſaid, and county aforeſaid, ſo wandering and begging, was delivered of a [male] child, and that thereby ſhe the ſaid hath become chargeable, and is now chargeable to the ſaid pariſh of and that ſhe the ſaid had not then, nor yet hath, any lawful ſettlement in the ſaid pariſh of ; and thereupon, they the ſaid overſeers of the poor of the pariſh aforeſaid, do pray of me the juſtice aforeſaid, that for themſelves, and for the other inhabitants of the pariſh aforeſaid, a due remedy may be provided, and that juſtice may be done in that behalf, according to the form of the ſtatute in that caſe made; which complaint, information and prayer, by me the juſtice aforeſaid, being heard, I the ſaid at aforeſaid, in the county aforeſaid, on the ſaid day of in the year aforeſaid, upon the examination of the ſaid upon oath, by me unto her upon the Holy Goſpel adminiſtered, and upon other lawful evidence and teſtimony before me had and made, do find the ſaid complaint and information to be true; and thereupon, it is conſidered by me the juſtice aforeſaid, that ſhe the ſaid be committed, and is by me committed to the houſe of correction at in the county aforeſaid, until the next quarter-ſeſſions of the peace to be holden within and for the ſaid county. In teſtimony whereof, I the ſaid the juſtice aforeſaid, at aforeſaid, in the county aforeſaid, the day of aforeſaid, in the year aforeſaid, unto this record do ſet my ſeal.

Watch.

Warrant for the keeping of watch. See vol. 3, p. 1004.

Worceſterſhire. } *To the conſtable of the hundred of in the ſaid county.*

AT a general quarter-ſeſſions of the peace holden at in and for the ſaid county, before us juſtices of our lord the king, aſſigned to keep the peace within the ſaid county, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors in the ſaid county committed, you are hereby required forthwith to iſſue your warrants to the ſeveral petty conſtables within your ſaid hundred, that they do cauſe watch to be kept by night, and ward by day, with able men, within and throughout their reſpective conſtablewicks, from the day of now next enſuing, unto the day of then next following; and that they do apprehend, or cauſe to be apprehended, all rogues, vagabonds, and other wandering, idle,

idle, and diſorderly perſons, and carry them before ſome of his majeſty's juſtices of the peace in and for the ſaid county, to be examined and further dealt withal according to law. Given under our hands and ſeals, the day and year firſt above written.

Commitment of a perſon apprehended by the watch.

Worceſterſhire. } *To the conſtable of and to the keeper of the houſe of correction at*

WHEREAS was this day brought before me one of his majeſty's juſtices of the peace for the ſaid county, the ſaid having been taken laſt night by the watch ſet by the conſtable of and charged with wandering abroad at unſeaſonable times of the night, and alſo with other diſorderly behaviour, and not now giving a good account of himſelf before me: Theſe are therefore to require you the ſaid conſtable of to convey the ſaid to the ſaid houſe of correction at aforeſaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby require you the ſaid keeper of the houſe of correction aforeſaid, to receive the ſaid into your cuſtody in the ſaid houſe of correction, and him there ſafely keep until the next general quarter-ſeſſions of the peace to be holden in and for the ſaid county, allowing unto him in the mean time ſuch maintenance as he ſhall deſerve by his labour; and have you him then there, together with this precept. Given under my hand and ſeal, at in the ſaid county, the day of in the year of the reign of

Indictment for not watching.

THE jurors for our lord the king, upon their oath, preſent, That of in the ſaid county, on the day of in the year of the reign of and long before, and always after, unto the day of taking this inquiſition, was, and yet is, an inhabitant of the town of aforeſaid, in the county aforeſaid, and that the ſaid then and there, to wit, on the ſaid day of in the year aforeſaid, at aforeſaid, in the county aforeſaid, was duly ſummoned in his turn to watch with the conſtable of aforeſaid, in the night of the ſame day: Nevertheleſs, the ſaid his duty in that behalf not regarding, did not watch in the ſaid night of the ſame day, in the year aforeſaid, nor in any part of the ſaid night, with the ſaid conſtable at aforeſaid, in the county aforeſaid, but did then and there utterly refuſe ſo to do, and wilfully and obſtinately therein did make default, in contempt of our ſaid lord the king, his crown and dignity.

Wood.

Warrant to ſearch for ſtolen wood; on the 15 Car. 2, c. 2. See vol. 3, p. 1012.

Worceſterſhire. } *To the conſtable of*

WHEREAS of hath this day made oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that divers quantities of wood, within the ſpace of ſix weeks laſt paſt, have been cut, taken and carried

carried away off and from his lands at in the ſaid county [*or as the caſe ſhall be*]; and that he hath juſt cauſe to ſuſpect, and doth ſuſpect, that the ſaid wood, or part thereof, is concealed in the houſe, out-houſes, yards, gardens, or other places belonging to ſuch houſes of of , at aforeſaid: Theſe are therefore to require you to enter into and ſearch the ſaid houſes, out-houſes, yards, gardens, or other places belonging to ſuch houſes of him the ſaid at aforeſaid; and if on ſuch ſearch you ſhall there find any ſuch wood, that then you apprehend the perſon in whoſe houſe, outhouſe, or other place it ſhall be found, and bring him before me, or ſome other of his majeſty's juſtices of the peace for the ſaid county, that ſuch proceedings may be had thereupon, as to law doth appertain. Given under my hand and ſeal at in the ſaid county, the day of in the year

Order for ſatisfaction to the owner; on the 15 Car. 2, c. 2. See vol. 3, p. 1012.

Worceſterſhire. } WHEREAS of in the ſaid county, on the day of now laſt paſt, did make oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that on or ſince the day of now laſt paſt, a certain quantity of wood, the property of him the ſaid at in the pariſh of in the county aforeſaid, was cut and ſpoiled, and from thence taken and carried away; and that he had juſt cauſe to ſuſpect, and did ſuſpect that of in the ſaid county did cut, ſpoil, take, and carry away the ſame: And whereas the ſaid was on the day of now laſt paſt, apprehended by conſtable of in the ſaid county, carrying wood, ſuſpected to be ſtolen by him the ſaid [*or*, whereas a certain quantity of wood, ſuſpected to be ſtolen, was this day, by virtue of my warrant for that purpoſe directed to the conſtable of in the ſaid county, found in the houſe [*or other place*] of the ſaid at aforeſaid]: And whereas the ſaid being now brought before me, hath not given to me any ſatisfactory account how he came by the ſaid wood, nor can produce the party of whom he bought the ſame, nor any credible witneſs to teſtify upon oath the ſale thereof; therefore the ſaid is convicted by me of cutting, ſpoiling, taking, and carrying away the ſaid wood: And whereas alſo, it is duly proved before me, that of aforeſaid, was and is the owner of the ſaid wood, and that the ſaid offence was committed at aforeſaid, in the pariſh of in the ſaid county; I do therefore hereby order and appoint the ſaid within the ſpace of days, now next enſuing, to pay unto the ſaid the ſum of in recompence and ſatisfaction for damages done unto him the ſaid by him the ſaid in cutting, ſpoiling, taking, and carrying away the ſaid wood; and I do alſo hereby order the ſaid within the ſpace of days now next enſuing as aforeſaid, to pay to the overſeers of the poor of the pariſh of aforeſaid, for the uſe of the poor of the ſaid pariſh, the ſum of ten ſhillings for his ſaid offence. Given under my hand and ſeal at in the ſaid county, the day of

Commitment thereupon for non-payment.

Worceſterſhire. } *To the conſtable of and to the keeper of the houſe of correction at in the ſaid county.*

WHEREAS of in the ſaid county, on the day of now laſt paſt, did make oath before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that within the ſpace of ſix weeks then laſt paſt, a certain quantity of wood, the property of him the ſaid at in the pariſh of in the county aforeſaid, was cut and ſpoiled, and from thence taken and carried away; and that he had juſt cauſe to ſuſpect, and did ſuſpect, that of in the

ſaid county, did cut, ſpoil, take, and carry away the ſame: And whereas the ſaid was, on the day of now laſt paſt, apprehended by conſtable of in the ſaid county, carrying wood ſuſpected to be ſtolen by him the ſaid [*or*, whereas a certain quantity of wood, ſuſpected to be ſtolen, was on the day of now laſt paſt, by virtue of my warrant for that purpoſe directed to the conſtable of in the ſaid county, found in the houſe [*or other place*] of the ſaid at aforeſaid]: And whereas the ſaid on the day of now laſt paſt, having been brought before me, did not, and could not, give to me any ſatisfactory account how he came by the ſaid wood, nor could produce the party of whom he bought the ſame, nor any credible witneſs to teſtify upon oath the ſale thereof, and thereupon was by me convicted of cutting and ſpoiling the ſaid wood, and ordered to pay to the ſaid the owner of the ſaid wood, the ſum of within days then next enſuing, in recompence and ſatisfaction for damages, and alſo the ſum of ten ſhillings to the overſeers of the poor of the pariſh of aforeſaid where the ſaid offence was committed, for the uſe of the poor of the ſaid pariſh: And whereas it appears to me, that the ſaid ſeveral ſums have been duly demanded of him the ſaid but that he the ſaid had refuſed, and doth refuſe, to pay, and hath not yet paid the ſame, nor any part thereof: I do therefore hereby require you the ſaid conſtable of aforeſaid, to convey the ſaid to the ſaid houſe of correction at aforeſaid, and to deliver him to the keeper thereof, together with this warrant: And I do hereby command you the ſaid keeper to receive him into your cuſtody in the ſaid houſe of correction, and there to detain him for the ſpace of days: Herein fail you not. Given under my hand and ſeal, at in the ſaid county, the day of in the year

If inſtead of being ſent to the houſe of correction, he is ordered to be whipt, then ſay:

——— I do therefore hereby command you the ſaid conſtable forthwith to receive the ſaid into your cuſtody, and to ſtrip him naked from the middle upwards, and whip him till his body be bloody.

Order for the buyer of ſtolen wood, to pay treble damages; on the 15 Car. 2. c. 2. See vol. 3. p. 1012.

Worceſterſhire. } WHEREAS it hath been duly proved before me eſquire, one of his majeſty's juſtices of the peace for the ſaid county, that of did within the ſpace of ſix weeks now laſt paſt, buy ſeveral burdens of wood of of ; and that he the ſaid is juſtly ſuſpected to have ſtolen the ſame from of and that the ſaid wood, at the time when the ſaid ſo bought the ſame, was of the value of ten ſhillings: I do hereby order that the ſaid do forthwith pay unto the ſaid the ſum of thirty ſhillings, the ſame being treble value of the ſaid wood ſo by him bought as aforeſaid. Given under my hand and ſeal at in the ſaid county, the day of in the year of the reign of

Warrant of diſtreſs for non-payment of the ſame.

Worceſterſhire. } ——— *Here recite the order—then ſay:*

AND whereas the ſaid hath not paid to the ſaid the aforeſaid ſum of thirty ſhillings, nor any part thereof: Theſe are therefore to command you to make diſtreſs of the goods and chattels of him the ſaid and if within the ſpace of days next after ſuch diſtreſs by you made, the ſaid ſum of together with reaſonable charges of taking and keeping the ſaid diſtreſs, ſhall not be paid, that then you

you do ſell the ſaid goods and chattels ſo by you diſtrained, and out of the money ariſing by ſuch ſale, pay the ſaid ſum of unto him the ſaid returning the overplus, upon demand, unto him the ſaid the reaſonable charges of taking, keeping, and ſelling the ſaid diſtreſs being thereout deducted. Given, &c.

Commitment for deſtroying trees; on the 1 Geo. 1, ſtat. 2, cap. 48, and 6 Geo. cap. 16. See vol. 3, p. 1014.

Worceſterſhire. } *To the conſtable of and to the keeper of the houſe of correction at in the ſaid county.*

WHEREAS of in the county aforeſaid, is this day duly convicted before us , eſquires, two of his majeſty's juſtices of the peace for the ſaid county, for that he the ſaid on the day of now laſt paſt, at aforeſaid, in the county aforeſaid, did wrongfully and maliciouſly cut down two aſh trees [*or as the caſe ſhall be*] the property of of without the conſent of him the ſaid the owner thereof, or of any other perſon chiefly intruſted with the care and cuſtody thereof: We do therefore hereby command you the ſaid conſtable, to convey the ſaid to the ſaid houſe of correction at aforeſaid, in the county aforeſaid, and to deliver him to the keeper thereof, together with this precept. And we do alſo hereby require you the ſaid keeper of the ſaid houſe of correction, to receive him the ſaid into your cuſtody in the ſaid houſe of correction, and him there keep to hard labour, for the ſpace of three months, now next enſuing, and until he ſhall find ſufficient ſureties for his good behaviour for two years: And we do likewiſe hereby order you the ſaid keeper of the ſaid houſe of correction, publickly to whip him the ſaid once in every month, during the ſaid three months, in the market town of in the ſaid county, on the market day there, between the hours of eleven and two. And for ſo doing, this ſhall be your ſufficient warrant. Given under our hands and ſeals at in the ſaid county, the day of in the year

Conviction for cutting down trees, grounded on the Stat. 43 Eliz. c. 7. From 2 & 3 Lord Raym. 900, 35. See vol. 3, p. 1012.

County of Huntingdon, *to wit.* } WHEREAS complaint hath been made unto us whoſe names are hereunto ſubſcribed, juſtices of the peace for the ſaid county of *Huntingdon*, on the day of the date hereof, by Sir *Robert Bernard*, bart. againſt *Robert Burneby* of *Brampton*, in the ſaid county of *Huntingdon*, gent. and *John Sandy* of the ſame town, labourer, for the unlawful cutting down and ſpoiling divers lime-trees, of the ſaid Sir *Robert Bernard*, in the night of the twenty-third day of *Auguſt* laſt paſt, the ſaid lime-trees being then growing on the ground of the ſaid Sir *Robert Bernard*, in *Brampton* aforeſaid: And whereas it appears unto us the ſaid juſtices of the peace, by the teſtimony of *Mary Prior*, of *Brampton* aforeſaid, widow, being duly ſworn and examined by us, according to the ſtatute made in the forty-third year of the reign of the late queen *Elizabeth*, intitled, *An Act to avoid and prevent divers miſdemeanors in lewd and idle perſons*, that the ſaid *Robert Burneby* and *John Sandys* did cut down and ſpoil the ſaid lime-trees in the night time of the day aforeſaid, and having here the ſaid *Robert Burneby* and *John Sandy* being this day brought before us to anſwer the ſaid offence, and alſo having heard and examined divers witneſſes upon oath, produced by the ſaid *Robert Burneby* and *John Sandy* in their defence: We the ſaid juſtices of the peace, upon hearing what could be alledged and proved on either ſide, have adjudged and convicted, and do hereby adjudge and convict the ſaid *Robert Burneby* and *John Sandy*, to be guilty of the offence aforeſaid, for cutting down and ſpoiling the ſame lime-trees; and

according to the power and authority given by the ſaid act, we the ſaid juſtices have ordered and appointed, and do hereby order and appoint, that the ſaid *Robert Burneby* and *John Sandy*, do on or upon the twenty-ſecond day of this inſtant month of *October*, give and pay unto the ſaid Sir *Robert Bernard* the ſum of twenty pounds of lawful *Engliſh* money, for recompence and full ſatisfaction for his damages by him ſuſtained, by reaſon of the cutting down and ſpoiling of the ſaid lime-trees; and in default of payment thereof to be further proceeded againſt, according to the direction of the ſaid ſtatute. Given under our hands and ſeals the ſeventh day of *October*, in the thirteenth year of the reign of our ſovereign lord *William* the third, by the grace of God, of *England*, *Scotland*, *France* and *Ireland*, king, defender of the faith, &c. *Annoque Domini*, 1701. Signed and ſealed by *John Pocklington*, eſquire, *John Bagg*, eſquire, *William Naylor*, *John Knighton*, doctor in divinity, *Robert Blemell*, clerk, and *James Torkington*, eſquire, ſix of his majeſty's juſtices of the peace for the county of *Huntingdon*.

Note, This conviction was removed by *certiorari* into the court of *King's Bench*, and quaſhed, becauſe it did not mention the number of trees cut down.

Woollen Manufacture.

Affidavit of burying in woollen, on ſtat. 30 Car. 2, c. 3. See vol. 3, p. 1023.

Worceſterſhire. } BE it remembered, That on the day of , of and of being two credible perſons, do make oath, that late of in the pariſh of in the county aforeſaid, on the day of this preſent month of was not put in, wrapt or wound up, or buried in any ſhirt, ſhift, ſheet or ſtiroud, made or mingled with flax, hemp, ſilk, hair, gold, or ſilver, or other than what is made of ſheep's wool only, or in any coffin lined or faced with any cloth, ſtuff, or any other thing whatſoever made or mingled with flax, hemp, ſilk, hair, gold, or ſilver, or any other material but ſheep's wool only.

Sworn before me one of his majeſty's juſtices of the peace for the ſaid county [or, *vicar of in the ſaid county, there being no juſtice of peace reſiding* (or *to be found*) *in the ſaid pariſh of*] *the day and year aboveſaid.*

The miniſter's notice of affidavit of burying in woollen, not being brought in. Stat. 30 Car. 2, c. 3, ſect. 5, 6. See vol. 3, p. 1024.

Worceſterſhire. } *To the church-wardens and overſeers of the poor of the pariſh of in the ſaid county.*

I —— miniſter of the pariſh of aforeſaid, in the county aforeſaid, do hereby give you notice, that on the day of the body of was buried within the ſaid pariſh, and that no perſon whatſoever hath brought to me an affidavit purſuant to the ſtatute made for burying in woollen. Witneſs my hand, the day of

Warrant to levy the penalty for not burying in woollen; on the ſaid act.

Worceſterſhire. } *To the conſtable of*

WHEREAS it duly appears to me one of his majeſty's juſtices of the peace for the ſaid county, that late of deceaſed, on the day of was buried within the pariſh of in the county aforeſaid, and that no affidavit hath been brought within eight days afterwards to the miniſter of the ſaid pariſh, that the ſaid was buried in no other materials but ſheep's wool only, purſuant to the ſtatute in that caſe made; and whereas it alſo appeareth unto me, that he the ſaid had no goods and chattels at the time of his death as aforeſaid, and that he the ſaid did die in the houſe of of ; at aforeſaid, in the county aforeſaid: [*or*, that of , had a hand in, or did order and diſpoſe, the putting the ſaid deceaſed, in a ſhirt, ſhift, ſheet, ſhroud, or coffin, contrary to the form of the ſtatute aforeſaid; *or*, that of , at the time of the death of him the ſaid was maſter of him the ſaid and that he the ſaid ſervant to the ſaid did die in the houſe of him the ſaid at aforeſaid; *or*, that of , was father to the ſaid , and that he the ſaid did die in the family of him the ſaid] Theſe are therefore to command you forthwith to levy the ſum of five pounds, by diſtreſs and ſale of the goods and chattels which he the ſaid had at the time of his death [*or*, of the goods and chattels of him the ſaid] rendering the overplus to , your reaſonable charges being firſt deducted; one moiety of which ſaid ſum of five pounds you ſhall pay to the overſeers for the uſe of the poor of the ſaid pariſh where he the ſaid was buried; and the other moiety to of , who informed me of the ſaid offence, and did ſue for the ſaid forfeiture. Herein fail you not. Given under my hand and ſeal at in the county aforeſaid, the day of in the year of the reign of

APPENDIX.

Appeal.

Appeal of murder, brought by the brother and heir of the deceaſed. From 1 and 3 L. Raymond, 20, 101.

Middleſex, to wit. } JOHN *Law*, late of the pariſh of St. *Giles in the Fields*, in the county aforeſaid, gent. was attached by his body to anſwer to *Robert Wilſon*, gent. the brother and heir of *Edward Wilſon*, gent. concerning the death of the aforeſaid *Edward*, formerly his brother, whereof he appealeth him, and there are pledges of proſecuting; that is to ſay, *Charles Williams*, of the pariſh of St. *James* within the liberty of *Weſtminſter*, in the county aforeſaid, tapeſtry maker, and *John Wheeler* of the pariſh of St. *Mary le Savoy*, in the county aforeſaid, gent. and whereupon the ſaid *Robert Wilſon*, the brother and heir of the ſaid *Edward Wilſon*, in his proper perſon inſtantly appealeth the ſaid *John Law* of it; that when the aforeſaid *Edward Wilſon* was in the peace of God, and of the lord the now king, and of the lady the now queen, at the aforeſaid pariſh of St. *Giles in the Fields*, in the ſaid county of *Middleſex*, on the ninth day of *April*, in the ſixth year of the reign of the lord *William* and lady *Mary*, by the grace of God of *England*, *Scotland*, *France*, and *Ireland*, king and queen, defenders of the faith, &c. about the firſt hour after mid-day of the ſame day, came the aforeſaid *John Law*, feloniouſly, and as a felon of the ſaid lord the now king and lady the now queen, lying in wait, and of his malice aforethought, and aſſault premeditated, againſt the peace of the ſaid lord the now king and lady the now queen, their crown and dignity, and in the ſame day, year, hour, and place, with force and arms, &c. feloniouſly, wilfully, and of his malice aforethought, made an aſſault upon him the ſaid *Edward Wilſon*, and the ſaid *John Law* then and there with a certain ſword, made of iron and ſteel, of the value of five ſhillings, which he the ſaid *John Law* in his right hand then and there drew, had and held, then and there violently, feloniouſly, wilfully, and of his malice aforethought, did ſtrike, ſtab, and thruſt in and upon the upper part of the belly of him the ſaid *Edward Wilſon*, near the breaſt and middle of the body of him the ſaid *Edward*, giving to the ſame *Edward Wilſon*, then and there, with the ſword aforeſaid, in and upon the aforeſaid upper part of the belly of him the aforeſaid *Edward Wilſon*, near his breaſt and middle

of

of his body, one mortal wound of the breadth of two inches, and of the depth of five inches, of which mortal wound, indeed, the ſaid *Edward Wilſon* then and there inſtantly died; and ſo the aforeſaid *John Law* then and there, that is to ſay, on the ſaid ninth day of *April*, in the ſixth year above ſaid, about the firſt hour after mid-day of the ſame day, at the aforeſaid pariſh of St. *Giles in the Fields*, in the county of *Middleſex* aforeſaid, in manner and form aforeſaid, felonioufly, wilfully, and of his malice aforethought, hath ſlain, killed, and murdered the aforeſaid *Edward Wilſon*, againſt the peace of the ſaid lord the now king and lady the now queen, their crown and dignity; and as ſoon as the ſame felon, the ſaid *John Law*, had done the felony and murder aforeſaid, he the ſame *John Law* fled, and the aforeſaid *Robert Wilſon*, him the ſaid *John Law* freſhly purſued from vill to vill unto the four neareſt vills, and farther, until, &c. and if the ſaid felon will deny the felony and murder aforeſaid, laid to him in form aforeſaid, the ſaid *Robert Wilſon* is ready to prove this againſt him, as the court, &c.

And the aforeſaid *John Law* in his proper perſon comes and prays oyer of the writ of appeal aforeſaid, and the return of the ſame writ, and they are read to him in theſe words, to wit, "*William* and *Mary*, by the grace of God, of *England*, *Scotland*, *France*, and *Ireland*, king and queen, defenders of the faith, &c. to the ſheriff of *Middleſex*, greeting, Foraſmuch as *Robert Wilſon*, gent. the brother and heir of *Edward Wilſon*, gent. hath made you ſecure of proſecuting his clamour by *Charles Williams* of the pariſh of St. *James*, within the liberty of *Weſtminſter*, in your county, tapeſtry-maker, and *John Wheeler* of the pariſh of St. *Mary le Savoy*, in your county, gent. therefore we command you, that you attach *John Law*, late of the pariſh of St. *Giles in the Fields*, in your county, gent. by his body, according to the law and cuſtom of our kingdom of *England*, ſo that you may have him before us from the day of *Eaſter* in one month, whereſoever we ſhall then be in *England*, to anſwer to the aforeſaid *Robert Wilſon*, concerning the death of the ſaid *Edward Wilſon*, formerly his brother, whereof he appealeth him, and have you then there this writ. Witneſs ourſelves at *Weſtminſter* the nineteenth day of *April*, in the ſixth year of our reign. *Martin*." By virtue of this writ to me directed, I have cauſed to be attached the within named *John Law*, by his body, whoſe body, indeed, I have ready before the lord the king and lady the queen, whereſoever, &c. as it is within commanded to me. The anſwer of *Thomas Abney*, knight, and *William Hedges*, knight, ſheriff. Which being read and heard, the aforeſaid *John Law* defends the force and injury, when, &c. and all the felony, and whatſoever, &c. and prays judgment of the original writ and declaration aforeſaid, becauſe he ſaith that that writ and the return thereof, and alſo the declaration aforeſaid thereupon, are not ſufficient in law to compel him the ſaid *John Law* to anſwer thereunto; and that he, to the writ aforeſaid, as aforeſaid returned, or to the declaration aforeſaid, as aforeſaid declared, hath no neceſſity, nor is he bound by the law of the land to anſwer, and this he is ready to verify; wherefore he prays judgment of the writ and return, and of the declaration aforeſaid, and that the ſaid writ may be quaſhed, &c. And as to the felony and murder aforeſaid, he the ſaid *John Law* ſaith that he is not guilty thereof, and of good and evil he puts himſelf upon the country; and the aforeſaid *Robert Wilſon*, likewiſe, &c.

And the aforeſaid *Robert Wilſon*, as to the aforeſaid plea of the ſaid *John Law*, above, to the writ of him the ſaid *Robert Wilſon* aforeſaid, in form aforeſaid pleaded, ſaith that the ſaid writ, and the return thereof, and the matter in the ſame contained, are good and ſufficient in law, to compel the ſaid *John Law* to anſwer thereunto, and this he is ready to verify; wherefore, ſince the ſaid *John Law*, hath nothing alledged or aſſigned, in which the ſaid writ, or there turn thereof, is bad, vicious, or defective, he the ſaid *Robert Wilſon* prays judgment, and that the ſame writ and the ſaid return thereof, may be adjudged good and ſufficient in law, &c. And as to the ſaid demurrer in law, or plea of the aforeſaid *John Law*, to the declaration of him the ſaid *Robert Wilſon* aforeſaid, above in form aforeſaid pleaded, he the ſaid *Robert Wilſon*

Wilſon ſaith, that the ſaid declaration, and the matter in the ſame contained, ſo as aforeſaid declared, are good and ſufficient in law, as well to have and maintain his appeal aforeſaid againſt the ſaid *John Law*, as to compel the ſame *John Law* to anſwer thereunto; which declaration indeed, and the matter in the ſame contained, he the ſaid *Robert Wilſon* is ready to verify and prove, as the court, &c. And becauſe the ſaid *John Law* doth not anſwer to that plea, nor hath hitherto in any manner denied it, he the ſaid *Robert Wilſon* prays judgment, and that the ſaid *John Law* may be convicted of the felony and murder aforeſaid, &c.

Note, The appellee prayed oyer of the writ and return, and demurred to the writ, return, and count, and pleaded over not guilty to the felony. The appellant joined in demurrer, and upon divers arguments on the part of the appellee, ſeveral exceptions were taken, two to the return of the writ, four to the count, and one to the joinder and demurrer, which exceptions were over-ruled, and the appellee was ordered to anſwer over, and a day was given for his trial, but he eſcaped out of priſon, and fled into *Scotland*, his own country, and ſo evaded juſtice.

Appeal abated by the court ex officio, *becauſe the appellant being under age brought it in perſon. From* 2 *and* 3 L. Raym. 1289, 536.

BOWEN was tried and convicted at the *Old Baily* of the murder of *William Smith*; *George Smith* (an infant of ſix years old) the brother and heir of *William Smith*, brought an appeal in proper perſon. At the ſame ſeſſions *Bowen* was arraigned thereupon. The appeal being removed into the *Queen's Bench*, the court, upon inſpection of the appellant, ſaw he was an infant, and therefore the appeal being brought by him in proper perſon was erroneous; therefore they abated the appeal *ex officio*, and gave the appellant leave to file a new bill by guardian, whereupon *Bowen* was arraigned inſtanter: And thereupon the following entry, peruſed and approved by L. C. J. *Holt*, was drawn up and entered on the roll of the firſt appeal, as of the firſt day of term.

And now at this day, to wit, *Wedneſday* next after fifteen days of *Eaſter* in this ſame term, before the lady the queen, at *Weſtminſter*, cometh *John Bowen*, in the cuſtody of the ſheriff of *Middleſex*, being brought into court here by virtue of a writ of the ſaid lady the queen of *Habeas Corpus* directed to the ſame ſheriff of *Middleſex*, and he is inſtantly committed to the cuſtody of the marſhal of the *Marſhalſea* of the ſaid lady the queen, there to remain, &c. And the aforeſaid *George Smith*, the brother and heir of the aforeſaid *William Smith*, likewiſe cometh here in court in his proper perſon, and thereupon, becauſe by the inſpection of the body of the ſaid *George Smith*, by the court of the ſaid lady the queen here, it manifeſtly appears to the ſame court of the ſaid queen here, that the aforeſaid *George Smith*, at the time of the exhibiting of the aforeſaid bill of appeal againſt the aforeſaid *John Bowen*, as before is ſet forth, was, and now is, within the age of twenty and one years; and becauſe the aforeſaid *George Smith* (ſo being within the age of twenty and one years) hath proſecuted the aforeſaid bill of appeal in his proper perſon, and not by his guardian or keeper, or next friend, againſt the aforeſaid *John Bowen*, therefore it is conſidered by the court of the ſaid lady the queen now here, that the aforeſaid bill of appeal by the aforeſaid *George Smith*, ſo as aforeſaid exhibited in his proper perſon, be abated, &c. and that the aforeſaid *George Smith* take nothing by his bill aforeſaid, and that the aforeſaid *John Bowen* go thereupon without day, &c.

Baſtard.

Indictment for falſly charging one with being the father of a baſtard child.
From 2 and 3 *Lord* Raym. 1167, 53.

London, } HERETOFORE, that is to ſay, on *Friday* the fourteenth day of
to wit. } *January*, in the ſecond year of the reign of our lady *Anne*, by the grace of God of *England*, *Scotland*, *France*, and *Ireland*, queen, defender of the faith, *&c.* at the general quarter-ſeſſions of the peace of the lady the queen, holden for the city of *London* at the *Guildhall* of the ſaid city, and within the ſame city, before *John Parſons*, knight, mayor of the city of *London*; *Robert Clayton*, knight, *William Pritchard*, knight, *William Gore*, knight, aldermen in the city aforeſaid, and *Salathiel Lovel*, one of the ſerjeants at law of the ſaid lady the queen, and recorder of the ſaid city, and others their fellows, juſtices aſſigned to keep the peace in the city aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed within the ſame city, by the oath of twelve jurors, honeſt and lawful men of the city of *London* aforeſaid, then and there being ſworn, and charged to enquire for the ſaid lady the queen for the body of the city aforeſaid, it was preſented, that *Richard Beſt*, late of *London*, yeoman, *Philip Jackſon*, late of *London*, yeoman, *Richard Grimes*, late of *London*, yeoman, and *Elizabeth Church*, late of *London*, ſpinſter, otherwiſe called *Elizabeth Ellis*, late of *London*, ſpinſter, otherwiſe called *Elizabeth Carter*, late of *London*, ſpinſter, being perſons of evil name, fame, and diſhoneſt converſation, and not endeavouring to ſeek their living by honeſt labour, according to the laws of this kingdom of *England*, but compaſſing, deviſing, and conſpiring among themſelves by what unlawful means they might unlawfully and unjuſtly to obtain and acquire into their hands and poſſeſſion the goods, chattles, and money of the honeſt liege men and ſubjects of the ſaid lady the queen, to maintain their diſhoneſt and diabolical courſe of living, on the eighteenth day of *December*, in the ſecond year of the reign of our lady *Anne*, by the grace of God, of *England*, *Scotland*, *France*, and *Ireland*, queen, defender of the faith, *&c.* falſely, unlawfully, wickedly and craftily contriving, intending and conſpiring, and deviſing among themſelves to deceive and defraud one *Peter Pickering*, the younger, of *London*, mercer, not only of his monies, but alſo to deprive him the ſaid *Peter* of his good name, fame, eſtate, and credit; and to bring the ſaid *Peter* into the greateſt hatred, ſcandal, contempt, and infamy, amongſt all the liege men and ſubjects of the ſaid lady the queen, on the eighteenth day of *December*, in the ſecond year aboveſaid, at *London* aforeſaid, in the pariſh of *St. Bedaſt*, otherwiſe *Foſters*, in the ward of *Farringdon* within, falſely, unlawfully, deceitfully, malicioufly, and for the cauſe of wicked gain, conſpired, contrived, conſulted, and agreed amongſt themſelves, falſely, unjuſtly, wickedly, and diabollically, to charge and accuſe the ſaid *Peter Pickering* to be the father of a child whereof the ſaid *Elizabeth Ellis*, otherwiſe *Church*, otherwiſe *Carter*, was then pregnant, as they then and there pretended, and by the conſpiracy among them as aforeſaid before had, then and there, with force and arms, *&c.* they did falſely and malicioufly affirm, that he the ſaid *Peter* then lately before, had carnal knowledge of the body of her the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*; and that he the ſaid *Peter* was the father of the pretended child whereof the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, then was pregnant, as ſhe aſſerted and pretended; and that for the further execution of the premiſſes, they the ſaid *Richard Beſt*, *Philip Jackſon*, *Richard Grimes*, and *Elizabeth*

Church, otherwiſe *Ellis*, otherwiſe *Carter*, then and there agreed amongſt themſelves, that he the ſaid *Richard Beſt* ſhould go to the ſaid *Peter*, and ſhould falſely, wickedly, maliciouſly, and for the ſake of wicked gain, ſhould charge and accuſe him the ſaid *Peter*, that he the ſaid *Peter* then lately before had had carnal knowledge of the body of the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, and had carnally known her the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, and that he the ſaid *Peter* was the father of the ſaid pretended child whereof they pretended that ſhe the ſaid *Elizabeth* was pregnant; and the jurors aforeſaid, upon their oath aforeſaid, further ſay, that the ſaid *Richard Beſt*, in execution of the premiſſes, and according to the ſaid conſpiracy, conſultation, and agreement among them the ſaid *Richard Beſt*, *Philip Jackſon*, *Richard Grimes*, and *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, as aforeſaid before had, afterwards, to wit, on the ſaid eighteenth day of *December*, in the ſecond year aforeſaid, at the pariſh and ward aforeſaid, with force and arms, *&c.* falſely, wickedly, maliciouſly, diabolically, and for the ſake of wicked gain, in the hearing of many faithful liege men, and ſubjects of the ſaid lady the queen, charged and accuſed the ſaid *Peter*, that he the ſaid *Peter*, then lately before had had carnal knowledge of the body of the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, and had carnally known her the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, and that he the ſaid *Peter* was the father of the ſaid pretended child whereof they affirmed the ſaid *Elizabeth Church*, otherwiſe *Ellis*, otherwiſe *Carter*, then was pregnant, to the great damage, ſcandal, and defamation of the ſaid *Peter Pickering*, the younger, to the worſt and moſt pernicious example of all others offending in the like caſe, and againſt the peace of the ſaid lady the now queen, her crown and dignity; which ſaid indictment the lady the now queen, afterwards for certain cauſes, hath cauſed to come to be determined before her: wherefore, the ſheriffs of *London* were commanded that they ſhould cauſe them to come to anſwer, *&c.* and now, to wit, on *Wedneſday* next, after five weeks of *Eaſter* in this ſame term, before the lady the queen at *Weſtminſter*, come the aforeſaid *William Beſt*, *Philip Jackſon*, and *Elizabeth Ellis*, by *Benedict Brown* their attorney, and having ſeverally heard the indictment aforeſaid, ſay, that they do not apprehend that the ſaid lady the queen will, or ought farther to impeach, or occaſion them the ſaid *Richard*, *Philip*, and *Elizabeth*, or any of them, for the premiſſes, becauſe, they ſay that the indictment aforeſaid is not ſufficient in law, to which they and each of them have no neceſſity, nor are they bound by the law of the land, in any manner to anſwer; and for the inſufficiency thereof, they pray judgment, and that they may be diſmiſſed by the court here concerning the premiſſes, *&c.*

And *Samuel Aſtry*, knight, coroner, and attorney of the lady the queen, in the court of the ſaid queen, before the queen herſelf, who proſecutes for the ſaid lady the queen in their behalf, for the ſaid lady the queen, ſaith, that the indictment aforeſaid, and the matter therein contained, are good and ſufficient in law, to compel them the ſaid *Richard Beſt*, *Philip Jackſon*, and *Elizabeth Ellis*, to anſwer the ſaid indictment: wherefore, for want of a ſufficient anſwer in this behalf, he prays judgment, and that they by the court here may be convicted of the premiſſes, *&c.*

Cheat.

Indictment for a cheat, for selling wine pretended to be new wine of Portugal, *which in truth was not such. From* 2 *and* 3 *L.* Raym. 1179, 487.

The Queen against *Mackarty* and *Fordenbourgh*.

THE defendants were indicted, for that they being greedy of dishonest gain, and wickedly, falsely, deceitfully, and maliciously intending to defraud *Thomas Chewne*, of *London*, haberdasher, of divers his goods and merchandizes, such a day, year, and place, together, deceitfully bargained with the aforesaid *T. C.* to barter, sell, and exchange a certain quantity of pretended wine, as good and true new wine of the kingdom of *Portugal*, called new *Lisbon* wine, of him the said *A. F.* for a certain quantity of hats, of him the said *T. C.* to the value of 118 *l.* of good and lawful money of *England*, and upon the bartering, sale, and exchange aforesaid, he the said *A. F.* took upon himself to be a merchant of *London*, and to trade and merchandize as a merchant, in wines of the kingdom of *Portugal*, and then and there personated a merchant of *London*, as if he had been a true merchant of *London*, when in fact, he the aforesaid *A. F.* never was a merchant of *London*, nor did trade or merchandize as a merchant in wines of the kingdom of *Portugal*, or in any wise whatsoever as a merchant; and upon the bartering, sale, and exchange, as aforesaid, he the aforesaid *M. M.* took upon himself to be a broker of *London*, and did then and there personate a broker of *London*, as if he was a true broker of *London*, when in fact, he the aforesaid *M. M.* at the time of bartering, sale, and bargaining aforesaid, or at any time afterwards, was not a broker of *London*; and the aforesaid *T. C.* giving credit to the said fictitious assumptions, personatings, and deceits, did then and there barter, sell, and exchange to the aforesaid *A. F.* and did deliver to him the said *M. M.* as the broker between the aforesaid *T. C.* and *A. F.* for the use of him the said *A. F.* a certain quantity of hats of the value of 118 *l.* for hogsheads of the pretended wine aforesaid, and that the aforesaid *M. M.* and *A. F.* upon the bartering, bargaining, and sale aforesaid, did affirm, that the aforesaid petended wine was true new wine of the kingdom of *Portugal*, called new *Lisbon* wines, and was the wine of the aforesaid *A. F.* when, in fact, the aforesaid pretended wine was not wine of the kingdom of *Portugal*, nor was it drinkable or wholesome, nor was it the wine of the aforesaid *A. F.* to the great deceit and damage of him the said *T. C.* and in contempt of the said lady the now queen, and of her laws, and against the peace of the said lady the now queen, her crown and dignity, *&c.*

Defendants were found guilty on this indictment, and after motion in arrest, the judgment was for the queen; for there is enough set out to shew the defendants were cheats. *Per Cur.*

Extortion.

Indictment against the collectors of a tax, for falsly extorting money under colour of their office. From 2 *and* 3 *L.* Raym. 1248, 89.

Borough of Leeds, } HERETOFORE, that is to say, on the tenth day of
to wit. } *January*, in the third year of the reign of our lady *Anne*, by the grace of God queen of *England*, &c. at the general quarter-session of the peace of the lady the queen, holden at *Leeds* for the borough aforesaid, before *Edmund Barker*, esq. mayor, *Jasper Blythman*, esq. recorder, *Thomas Dixon*, *William Rooke*, and others their fellows, aldermen and justices of the said lady the queen, assigned to keep the peace within the borough aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed and done in the same borough, and from thence continued and holden by adjournment at *Leeds* aforesaid, on the fourteenth day of *February*, in the year above said, before the said *Edmund Barker*, mayor, *Jasper Blythman*, recorder, and *William Rooke*, and before *Thomas Kitchinman*, *John Dodgson*, and others, their fellows, justices of the said lady the queen as aforesaid, assigned to keep the peace within the borough aforesaid, by the oath of twelve jurors, of good and lawful men of the borough aforesaid, impanelled, sworn, and charged to enquire for the said lady the queen, for the body of the borough aforesaid, it was presented, That whereas on the twenty-fourth day of *March*, in the second year of the reign of our lady *Anne*, by the grace of God, now queen of *England*, &c. *John Atkinson*, late of *Leeds*, in the borough aforesaid, linen-draper, and *William Barstow*, late of *Leeds* aforesaid, in the borough aforesaid, grocer, then being collectors of several sums assessed upon the inhabitants of a certain liberty, called *Leeds Upper Division*, within the borough aforesaid, mentioned and expressed in a certain assessment made and confirmed in pursuance of a certain act of parliament, made in the first year of the reign of our said lady the now queen of *England*, &c. intitled, *An act for granting an aid to her majesty by divers subsidies and a land-tax*, the said *John Atkinson* and *William Barstow*, on the said twenty-fourth day of *March*, in the above said second year of the reign of the said lady, the now queen, at *Leeds* aforesaid, in the borough aforesaid, by colour of the office aforesaid, unlawfully, extorsively and deceitfully, and of their own wrong, exacted, received, and had of one *Thomas Calverly*, then of *Leeds* aforesaid, in the borough aforesaid, being not assessed at all by virtue of the act of parliament aforesaid, the sum of four shillings, and that the said *John Atkinson* and *William Barstow*, the same sum of four shillings so as aforesaid, of the said *Thomas Calverly*, unlawfully, extorsively, and deceitfully exacted, received and had, and to the proper use of them the said *John Atkinson* and *William Barstow*, then and there unlawfully, injuriously, and deceitfully converted, to the great damage of him the said *Thomas Calverly*, to the evil example of all other delinquents in such case, and against the peace of the said lady the now queen, her crown and dignity; which said indictment the said lady the now queen, afterward, for certain cause, made to come to be determined before her, by which the sheriff of the county of *York* is commanded, that he do not omit, &c. but that he cause them to come to answer, &c. And now, to wit, on *Friday* next, after the morrow of the *Holy Trinity* in this same term, before the lady the queen at *Westminster*, come the said *John Atkinson* and *William Barstow*, by *Francis Pember* their attorney; and having severally heard the indictment aforesaid, say, that they do not apprehend that the said lady the now queen will, or ought any further to impeach or trouble them the said

John

John and *William* for the premiſſes, becauſe they ſay that the ſaid indictment, and the matter in the ſame contained, are not ſufficient in law, to which they have no neceſſity, neither are they bound by the law of the land, in any manner to anſwer; and for the inſufficiency thereof pray judgment, and that they may be diſmiſſed of the premiſſes by the court here, *&c.* And *Simon Harcourt*, eſq. coroner, and attorney of the ſaid lady the queen, in the court of the ſaid queen, before the queen herſelf, who proſecutes for the ſaid lady the queen in this behalf, ſaith that the indictment aforeſaid, and the matter in the ſame contained, are good and ſufficient in law, to compel the ſaid *John Atkinſon* and *William Barſtow*, to anſwer to the ſame indictment; which ſaid indictment, and the matter in the ſame contained, the ſaid coroner and attorney of the ſaid lady the queen, for the ſaid lady the queen, is ready to verify and prove, as the court, *&c.* Wherefore, ſince the ſaid *John Atkinſon* and *William Barſtow* have not anſwered to the ſaid indictment, nor denied the matter in the ſame contained, the ſaid coroner and attorney of the ſaid lady the queen, for the ſaid lady the queen, prays judgment, and that the ſaid *John Atkinſon* and *William Barſtow* may be convicted of the premiſſes in the ſaid indictment above laid to their charge, *&c.*

Game.

Record of a conviction for aiding and aſſiſting in deer-ſtealing. From L. Raym. 989, 37.

Suſſex, } BE it remembered, that on the twentieth day of *Auguſt*, in the tenth
to wit. } year of the reign of our ſovereign lord *William* the third, now king of *England*, &c. at the pariſh of *Boxgrove*, in the county of *Suſſex* aforeſaid, *William Mant*, of the ſaid pariſh of *Boxgrove*, huſbandman, in his proper perſon, came before us *John Miller*, and *William Weſtbrook*, juſtices of the ſaid lord the now king, aſſigned to keep the peace in the county of *Suſſex* aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſame county, and gave information to us the aforeſaid juſtices, that *Edward Rolfe* of *South Barſtead*, in the county aforeſaid, huſbandman, and another perſon, to the ſaid *William Mant* unknown, in the month of *April*, to wit, on the eleventh day of the ſaid month, in the above ſaid thirteenth year of the reign of the ſaid lord the now king, in the night of the ſame day, and within the ſpace of twelve months next before the ſaid information made before us, five fallow-deer, in the park of the then *William Morley*, knight of the *Bath*, now deceaſed, called *Halnaker Park*, the ſame park lying and being in the ſaid pariſh of *Boxgrove*, and being a park and ſoil where fallow-deer now are, and on the ſaid eleventh day of *April*, in the thirteenth year above ſaid, and for the ſpace of forty years and more, have been uſually kept, with force and arms, *&c.* with certain dogs, unlawfully and unjuſtly chaſed, and killed five fallow-deer of the ſaid *William Morley*, in the ſaid park then being, and one of thoſe deers ſo killed, carried away without the conſent of the ſaid *William Morley*, then being the proprietor of the ſaid park, and of the ſaid ſeveral deer here mentioned to be killed, or of any other perſon ſpecially intruſted with the keeping of the ſaid park, and the deer in the ſame park, or any of them, at the time of the killing of thoſe deer, or at any time hitherto, to wit, at the pariſh of *Boxgrove* aforeſaid, in the county aforeſaid; and that *Thomas Naſh* of the pariſh of *Walberton*, in the county aforeſaid, gent. in the ſaid month of *April*, in the above ſaid eleventh year of the reign

reign of the ſaid lord the now king, to wit, on the eleventh day of the ſame month, at the pariſh of *Boxgrove* aforeſaid, with force and arms, *&c.* was unlawfully and unjuſtly aiding and aſſiſting the ſaid *Edward Rolfe*, and the ſaid other perſon, to the ſaid *William Mant* unknown, in the unlawful and unjuſt chaſing and killing of the ſaid five fallow-deer; that is to ſay, in perſuading and inticing the ſaid *Edward Rolfe*, and the other perſon unknown, to chace and kill the ſame deer in the ſaid park, at the ſaid pariſh of *Boxgrove*, and by then and there lending certain dogs of him the ſaid *Thomas Naſh*, to the ſaid *Edward Rolfe*, and the other perſon, for the chaſing and killing of thoſe deer, being the ſame dogs which killed thoſe deer; and in then and there lending the horſe of him the ſaid *Thomas Naſh* to the ſaid *Edward Rolfe*, and the other perſon, to carry away the deer, which they then and there killed with thoſe dogs, contrary to the form of the ſtatute in ſuch caſe lately made and provided; and afterwards, to wit, on the twenty-eighth day of the ſaid month of *Auguſt*, in the above ſaid thirteenth year of the reign of the ſaid lord the now king, at *Arundel*, in the county of *Suſſex* aforeſaid, one *Robert Haynes* of *Walberton*, in the county of *Suſſex* aforeſaid, huſbandman, being a credible witneſs, in his proper perſon comes before us the ſaid juſtices, and now makes his corporal oath upon the Holy Evangeliſts of God, to ſpeak the truth of and concerning the premiſſes, in the information aforeſaid ſpecified, before us the ſaid juſtices, having ſufficient power and authority to adminiſter the ſaid oath to the ſaid *Robert Haynes* in this behalf; and the ſaid *Robert Haynes* being ſworn as aforeſaid, upon his oath aforeſaid, now ſaith, depoſeth, and ſweareth, that *Edward Rolfe* of *Southarſtead*, in the county aforeſaid, huſbandman, in the information aforeſaid named, and he the ſaid *Robert Haynes*, in the month of *April*; to wit, on the eleventh day of the ſame month, in the above ſaid thirteenth year of the reign of the ſaid lord the now king, with force and arms, *&c.* with certain dogs entered into the park of the then *William Morley*, knight of the *Bath*, in the information aforeſaid mentioned, called *Halnaker Park*, ſituate, lying, and being in the pariſh of *Boxgrove*, in the county of *Suſſex* aforeſaid, being a park and ſoil where fallow-deer then, and for the ſpace of forty years then next before paſt, were uſually kept, and five fallow-deer of the ſaid *William Morley*, in the ſame park, then being then and there with thoſe dogs chaſed and killed, and carried away one deer of the ſaid five deer ſo killed as aforeſaid; and the ſaid *Robert Haynes*, upon his ſaid oath further ſaith, depoſeth, and ſweareth, that *Thomas Naſh* of the pariſh of *Warburton*, in the county of *Suſſex* aforeſaid, gent. in the information aforeſaid named, in the ſaid month of *April*, to wit, on the eleventh day of the ſame month, in the above ſaid thirteenth year of the reign of the ſaid lord the now king, incited them the ſaid *Edward Rolfe*, to chaſe and kill the ſaid fallow-deer, in the park aforeſaid, at the pariſh of *Boxgrove* aforeſaid, and then and there did lend three grey-hounds of him the ſaid *Thomas Naſh*, to them the ſaid *Edward Rolfe* and *Robert Haynes*, for the chaſing and killing of the ſaid fallow-deer of the ſaid *William Morley*, in his ſaid park, at the ſaid pariſh of *Boxgrove*, in the county aforeſaid, and afterwards received from them the ſaid *Edward Rolfe* and *Robert Haynes*, and diſpoſed of to his own uſe, one deer of the ſaid five deer ſo killed with the dogs of him the ſaid *Thomas Naſh*, as aforeſaid, in the ſaid park of the ſaid then *William Morley*, in the information aforeſaid ſpecified; whereupon the ſaid *Thomas Naſh*, after a ſummons to him thereupon, firſt in that behalf now duly made, on the ſame twenty-eighth day of *Auguſt*, in the above ſaid thirteenth year of the reign of the ſaid lord the now king, at *Arundel* aforeſaid, in the county aforeſaid, by reaſon of the information aforeſaid, appeared in his proper perſon before us the ſaid *John Miller* and *William Weſtbrook*, then juſtices of the ſaid lord the king, aſſigned to keep the peace in the county of *Suſſex* aforeſaid, and alſo to hear and determine divers felonies, treſpaſſes, and other miſdemeanors committed in the ſame county; and the ſaid information, and the evidence thereupon, being heard and fully underſtood by him the ſaid *Thomas Naſh*, he the ſaid *Thomas Naſh* is aſked by us the ſaid juſtices, if he hath, or knoweth any thing to ſay for himſelf, why he the ſaid *Thomas Naſh* ſhould not be convicted of the premiſſes aforeſaid, above laid to his charge,

charge, in form aforesaid; and because we having heard and fully understood all and every thing alledged by him the said *Thomas Nash*, in his defence of and concerning the premisses, it manifestly appears to us the said justices, that the said *Thomas Nash* is guilty of the premisses aforesaid, in the said information laid to his charge, in manner and form as in the said information above, in that behalf is alledged: therefore, it is considered by us the said justices, that the said *Thomas Nash*, by testimony of the said *Robert Haynes*, a credible witness, upon his said oath, before us the said justices made as aforesaid, is convicted of the premisses above laid to his charge, as set forth by the said information, according to the form of the statute in such case made and provided. In witness whereof, we the said *John Miller* and *William Westbrook*, the justices aforesaid, have set our hands and seals to this record, at *Arundel* aforesaid, the said twenty-eighth day of *August*, in the above said thirteenth year of the reign of the lord the king that now is. *John Miller*, *William Westbrook*.

Principal and Accessary.

Indictment of an accessary before the fact. Taken from lord Coke's *report of lord* Sanchar's *case*, 9 Co. 116, *which, as the prosecution was by the king's special command, was probably drawn by good advice, and on which* Robert Creighton, *esq. lord* Sanchar *of* Scotland, *was convicted and hanged*; viz.

Middlesex. THE jurors do present for the lord the king, upon their oath, that whereas *Robert Carliel*, late of *London*, yeoman, and *James Irwing*, late of *London* aforesaid, yeoman, not having God before their eyes, but seduced by the instigation of the devil, the eleventh day of *May*, in the year of the reign of our lord *James*, by the grace of God, of *England*, *France*, and *Ireland*, king, defender of the faith, and so forth, the tenth, and of *Scotland* the forty-fifth, at *London*, that is to say, in the parish of St. *Dunstan* in the west, and in the ward of *Farringdon* without, *London*, aforesaid, *&c.* with force and arms, *&c.* feloniously, and of their aforethought malice, in and upon one *John Turner*, then and there in the peace of God, and of the said lord the king being, made an assault and affray, and the aforesaid *Robert Carliel*, a certain gun called a pistol, of the value of five shillings, then and there charged with gun-powder, and a leaden-bullet, which gun the said *Robert Carliel* in his right-hand then and there had, and held in and upon the aforesaid *John Turner*, then and there feloniously, voluntarily, and of his malice aforethought, did shoot off and discharge, and the aforesaid *Robert Carliel* with the leaden bullet aforesaid, from the gun aforesaid, then and there shot and discharged, the aforesaid *John Turner*, in and upon the left part of the breast of him the said *John Turner*, near the left pap of him the said *John Turner*, then and there feloniously struck, giving to the said *John Turner* then and there, with the leaden bullet aforesaid, out of the gun aforesaid, then and there shot off and discharged, in and upon the left part of the breast of him the said *John Turner*, one mortal wound, of the breadth of half an inch, and depth of six inches, of which mortal wound, the aforesaid *John Turner*, at *London* aforesaid, in the parish and ward aforesaid, instantly died: and that *James Irwing*, feloniously, and of his forethought malice, then and there was present, aiding, assisting, abetting, comforting, and maintaining the aforesaid *Robert Carliel* to the felony and murder aforesaid, in form aforesaid, to be done and committed; and so the aforesaid *Robert Carliel* and *James Irwing*, the aforesaid *John Turner*, at *London* aforesaid, in the parish and ward aforesaid, in manner and form aforesaid, feloniously, voluntarily, and of their forethought malice, killed and murdered, against the peace of the lord the now king, his crown and dignity: and that one *Robert Creighton*, late of the parish of St. *Margaret* in *Westminster*, in the county of *Middlesex*, esquire, not

having God before his eyes, but being ſeduced by the inſtigation of the devil, before the felony and murder aforeſaid, by the aforeſaid *Robert Carliel* and *James Irwing*, in manner and form aforeſaid, done and committed; that is to ſay, the tenth day of *May*, in the year of the reign of our lord *James*, by the grace of God, of *England*, *France*, and *Ireland*, king, defender of the faith, and ſo forth, the tenth, and of *Scotland* the forty-fifth, the aforeſaid *Robert Carliel*, at the aforeſaid pariſh of St. *Margaret*, in *Weſtminſter* aforeſaid, in the county of *Middleſex* aforeſaid, to the felony and murder aforeſaid, in manner and form aforeſaid, to be done and committed, maliciouſly, felonioufly, voluntarily, and of his forethought malice, did incite, move, abet, counſel and procure, againſt the peace of the ſaid lord the king that now is, his crown and dignity.

If after the fact, then the form may be thus:

And that late of in the county of well knowing the ſaid (offender) to have done and committed the ſaid felony, in manner and form aforeſaid, afterwards, to wit, on the day of in the year of the reign of at aforeſaid, in the county aforeſaid, with force and arms, him the ſaid did then and there felonioufly, and of his malice forethought, receive, aid, and comfort, againſt the peace of the ſaid lord the king that now is, his crown and dignity.

Treaſon.

Indictment of petty-treaſon againſt a woman for poiſoining her huſband.

Worceſterſhire. } THE jurors for our lord the king, upon their oath, preſent, That late of the pariſh of in the ſaid county of *Worceſter*, widow, late wife of late of the ſame place deceaſed, not having the fear of God before her eyes, but being moved and ſeduced by the inſtigation of the devil, and of her malice aforethought, contriving and intending him the ſaid her ſaid late huſband, to deprive of his life, and him felonioufly and traiterouſly to kill and murder, on the day of in the year of the reign of our ſovereign lord *George* the third, now king of *Great Britain*, &c. with force and arms, at the pariſh aforeſaid, in the county aforeſaid, felonioufly, traitorouſly, willfully, and of her malice aforethought, did mix and mingle a great quantity of mortal poiſon called arſenic, into a quantity of water-gruel, and that ſhe the ſaid then and there, felonioufly, traitorouſly, wilfully, and of her malice aforethought, did give, and deliver the ſaid water-gruel, ſo mixed with the ſaid poiſon as aforeſaid, to the ſaid her ſaid then huſband, to be drank by him the ſaid ſhe the ſaid then and there well knowing the ſaid arſenic to be a mortal poiſon; and the ſaid by the perſuaſion and inſtigation of the ſaid the ſaid water-gruel, ſo mixed with poiſon as aforeſaid, not knowing the ſame, did then and there drink and ſwallow down into his body, by which drinking and ſwallowing of the ſaid water-gruel, ſo mixed with poiſon as aforeſaid, the ſaid then and there became ſick, and greatly diſtempered in his body, of which ſickneſs and diſtemper he the ſaid on the ſaid day of in the year aforeſaid, until the day of the ſame month of in the year aforeſaid, at the pariſh aforeſaid, in the county aforeſaid, did languiſh, and languiſhing did live, on which day of in the year aforeſaid, in the county aforeſaid, of the ſaid ſickneſs occaſioned by the drinking of the water-gruel ſo mixed with poiſon as aforeſaid, died; and ſo the jurors aforeſaid, upon their oath aforeſaid, do ſay, that the ſaid the aforeſaid her ſaid late huſband, in manner and form aforeſaid, felonioufly, traitorouſly, wilfully, and of her malice aforethought, did poiſon, kill, and murder, againſt the peace of our ſaid lord the king, his crown and dignity.

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